



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 25, 2011

House File 100 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act prohibiting the automatic renewal of service contracts,
2 and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1139YH (4) 84
rn/nh



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1 1 Section 1. NEW SECTION. 555.1 Definitions.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Automatic renewal provision" means a provision pursuant
1 5 to which a service contract is renewed for a specified period,
1 6 whereby the renewal causes the service contract to be in effect
1 7 more than six months after the date the service contract was
1 8 initiated, and the renewal is effective unless the consumer
1 9 gives notice to the service provider of the consumer's
1 10 intention to terminate the service contract.
1 11 2. "Consumer" means a person receiving service, maintenance,
1 12 or repair under a service contract.
1 13 3. "Service contract" means a contract for the provision
1 14 of service, maintenance, or repair with regard to goods or
1 15 services purchased, acquired, or utilized primarily for a
1 16 personal, family, or household purpose, in which payments are
1 17 automatically billed by the service provider and payable by
1 18 the consumer on a monthly or other regularly scheduled basis.
1 19 "Service contract" does not include a contract affecting any
1 20 right, title, estate, or interest in real property, nor the
1 21 purchase of goods or services under circumstances which would
1 22 constitute a consumer credit transaction as defined in section
1 23 537.1301. A door-to-door sale pursuant to section 555A.1 may
1 24 constitute a service contract subject to this chapter provided
1 25 the requirements of this chapter are otherwise met.
1 26 4. "Service provider" means a person providing service,
1 27 maintenance, or repair under a service contract.
1 28 Sec. 2. NEW SECTION. 555.2 Service contracts ==== automatic
1 29 renewal ==== prohibition.
1 30 1. A service contract shall not contain an automatic renewal
1 31 provision. Prior to renewal of a service contract, the service
1 32 provider shall provide a consumer written notice complying with
1 33 the requirements of subsection 2 that informs the consumer
1 34 that the contract shall terminate on a date specified in the
1 35 contract, and that renewal is conditioned upon receipt from the



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2 1 consumer of acceptance of contract renewal.
2 2 2. Notice provided pursuant to subsection 1 shall be in
2 3 writing in clear and understandable language printed in an
2 4 easy-to-read type size and style, and shall be delivered by
2 5 regular mail, or prominently displayed on the first page
2 6 of a monthly statement, and supplied at least thirty days
2 7 prior to the termination date specified in the contract. The
2 8 notice shall also provide clearly understandable instructions
2 9 for notification by the consumer to the service provider of
2 10 acceptance of contract renewal.
2 11 3. A service provider shall not be held liable for
2 12 cancellation of a service contract if no notification of
2 13 acceptance was received from a consumer. Upon satisfactory
2 14 evidence submitted by a consumer that such notification was
2 15 sent, but not received, a service provider shall renew a
2 16 contract under the same terms and conditions as if notification
2 17 had been received in a timely manner.
2 18 Sec. 3. NEW SECTION. 555.3 Penalties.
2 19 1. A service provider who violates the provisions of this
2 20 chapter is guilty of a simple misdemeanor.
2 21 2. A violation of this chapter is a violation of section
2 22 714.16, subsection 2, paragraph "a".
2 23 EXPLANATION
2 24 This bill prohibits the automatic renewal of service
2 25 contracts under specified circumstances.
2 26 The bill provides that an "automatic renewal provision"
2 27 means a provision under which a service contract is renewed
2 28 for a specified period, causing the contract to be in effect
2 29 more than six months after the date it was initiated, and
2 30 effective unless a consumer gives notice to the service
2 31 provider of the consumer's intention to terminate the contract.
2 32 The bill defines a "consumer" as a person receiving service,
2 33 maintenance, or repair under a service contract, and a "service
2 34 provider" as a person providing such service, maintenance, or
2 35 repair. A "service contract" is defined as a contract for the



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3 1 provision of service, maintenance, or repair with regard to
3 2 goods or services purchased, acquired, or utilized primarily
3 3 for a personal, family, or household purpose, in which payments
3 4 are automatically billed by the service provider and payable
3 5 by the consumer on a monthly or other regularly scheduled
3 6 basis. The bill excludes contracts affecting any right, title,
3 7 estate, or interest in real property, and contracts for the
3 8 purchase of goods or services under circumstances which would
3 9 constitute a consumer credit transaction as defined in Code
3 10 section 537.1301 from the definition, but includes door=to=door
3 11 sales pursuant to Code section 555A.1 which otherwise meet the
3 12 bill's requirements.

3 13 The bill states that a service contract may not contain
3 14 an automatic renewal provision, and that prior to renewal
3 15 the service provider shall provide a consumer written notice
3 16 informing the consumer that the contract shall terminate on a
3 17 date specified in the contract, and that renewal is conditioned
3 18 upon receipt from the consumer of acceptance of contract
3 19 renewal. The bill provides that the notice shall be in writing
3 20 in clear and understandable language printed in an easy=to=read
3 21 type size and style, and either delivered by regular mail or
3 22 prominently displayed on the first page of a monthly statement
3 23 at least 30 days prior to the termination date specified in
3 24 the contract. The bill provides that the notice shall also
3 25 provide clearly understandable instructions for notification by
3 26 the consumer to the service provider of acceptance of contract
3 27 renewal. The bill holds a service provider not liable for
3 28 cancelling a service contract if no notification of acceptance
3 29 was received, but states that the provider shall be required to
3 30 reinstate the contract upon submission of satisfactory evidence
3 31 by a consumer that acceptance was in fact sent.

3 32 The bill provides that a violation of the bill's provisions
3 33 constitutes a simple misdemeanor punishable by confinement for
3 34 no more than 30 days or a fine of at least \$65 but not more
3 35 than \$625 or by both. A violation shall also be considered



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4 1 a consumer fraud under Code section 714.16, subsection 2,
4 2 paragraph "a", punishable by a civil penalty of up to \$40,000
4 3 per violation and a civil penalty up to \$5,000 for each day
4 4 of intentional violation of a temporary restraining order,
4 5 preliminary injunction, or permanent injunction pursuant to
4 6 Code section 714.16.

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House File 101 - Introduced

HOUSE FILE
BY WAGNER

A BILL FOR

1 An Act making the services of certain executive search agencies
2 and private employment agencies exempt from the sales tax
3 and including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1419YH (3) 84
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1 1 Section 1. Section 423.2, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. a. The sales price of any of the following enumerated
1 4 services is subject to the tax imposed by subsection
1 5 5: alteration and garment repair; armored car; vehicle repair;
1 6 battery, tire, and allied; investment counseling; service
1 7 charges of all financial institutions; barber and beauty;
1 8 boat repair; vehicle wash and wax; campgrounds; carpentry;
1 9 roof, shingle, and glass repair; dance schools and dance
1 10 studios; dating services; dry cleaning, pressing, dyeing, and
1 11 laundering; electrical and electronic repair and installation;
1 12 excavating and grading; farm implement repair of all kinds;
1 13 flying service; furniture, rug, carpet, and upholstery
1 14 repair and cleaning; fur storage and repair; golf and country
1 15 clubs and all commercial recreation; gun and camera repair;
1 16 house and building moving; household appliance, television,
1 17 and radio repair; janitorial and building maintenance or
1 18 cleaning; jewelry and watch repair; lawn care, landscaping,
1 19 and tree trimming and removal; limousine service, including
1 20 driver; machine operator; machine repair of all kinds; motor
1 21 repair; motorcycle, scooter, and bicycle repair; oilers and
1 22 lubricators; office and business machine repair; painting,
1 23 papering, and interior decorating; parking facilities; pay
1 24 television; pet grooming; pipe fitting and plumbing; wood
1 25 preparation; ~~executive search agencies; private employment~~
~~1 26 agencies, excluding services for placing a person in employment~~
~~1 27 where the principal place of employment of that person is~~
~~1 28 to be located outside of the state;~~ reflexology; security
1 29 and detective services; sewage services for nonresidential
1 30 commercial operations; sewing and stitching; shoe repair
1 31 and shoeshine; sign construction and installation; storage
1 32 of household goods, mini-storage, and warehousing of raw
1 33 agricultural products; swimming pool cleaning and maintenance;
1 34 tanning beds or salons; taxidermy services; telephone
1 35 answering service; test laboratories, including mobile testing



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2 1 laboratories and field testing by testing laboratories, and
2 2 excluding tests on humans or animals; termite, bug, roach, and
2 3 pest eradicators; tin and sheet metal repair; transportation
2 4 service consisting of the rental of recreational vehicles or
2 5 recreational boats, or the rental of motor vehicles subject
2 6 to registration which are registered for a gross weight of
2 7 thirteen tons or less for a period of sixty days or less, or
2 8 the rental of aircraft for a period of sixty days or less;
2 9 Turkish baths, massage, and reducing salons, excluding services
2 10 provided by massage therapists licensed under chapter 152C;
2 11 water conditioning and softening; weighing; welding; well
2 12 drilling; wrapping, packing, and packaging of merchandise other
2 13 than processed meat, fish, fowl, and vegetables; wrecking
2 14 service; wrecker and towing.

2 15 b. For the purposes of this subsection, "financial
2 16 institutions" means all national banks, federally chartered
2 17 savings and loan associations, federally chartered savings
2 18 banks, federally chartered credit unions, banks organized under
2 19 chapter 524, savings and loan associations and savings banks
2 20 organized under chapter 534, credit unions organized under
2 21 chapter 533, and all banks, savings banks, credit unions, and
2 22 savings and loan associations chartered or otherwise created
2 23 under the laws of any state and doing business in Iowa.

2 24 Sec. 2. REFUNDS. Refunds of taxes, interest, or penalties
2 25 which arise from claims resulting from the amendment of section
2 26 423.2, subsection 6, in this Act, for the exemption of sales
2 27 of executive search agencies and private employment agencies
2 28 occurring between January 1, 2002, and the effective date of
2 29 this Act, shall be limited to fifty thousand dollars in the
2 30 aggregate and shall not be allowed unless refund claims are
2 31 filed prior to October 1, 2011, notwithstanding any other
2 32 provision of law. If the amount of claims totals more than
2 33 fifty thousand dollars in the aggregate, the department of
2 34 revenue shall prorate the fifty thousand dollars among all
2 35 claimants in relation to the amounts of the claimants' valid



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3 1 claims. Claimants shall not be entitled to interest on any
3 2 refunds.

3 3 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 4 APPLICABILITY. This Act, being deemed of immediate importance,
3 5 takes effect upon enactment and applies retroactively to
3 6 January 1, 2002.

3 7 EXPLANATION

3 8 This bill relates to the imposition of the sales tax on
3 9 certain enumerated services.

3 10 Currently, the sales tax is imposed on the services provided
3 11 by executive search agencies and private employment agencies.
3 12 The bill removes such agencies from the list of enumerated
3 13 services upon which the sales tax is imposed.

3 14 The bill provides for refunds of taxes, interest, or
3 15 penalties which arise from claims resulting from the change to
3 16 exemption from taxation of these services. These refunds are
3 17 limited to \$50,000 in the aggregate. Claims for refund must be
3 18 filed by October 1, 2011.

3 19 The bill takes effect upon enactment and applies
3 20 retroactively to January 1, 2002.

LSB 1419YH (3) 84

je/sc



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House File 102 - Introduced

HOUSE FILE

BY GARRETT, WORTHAN,
MASSIE, WATTS, ROGERS,
IVERSON, HANSON, and
HALL

A BILL FOR

1 An Act concerning the use of special fire fighter motor vehicle
2 registration plates by the surviving spouse of a retired
3 member of a fire department.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1789YH (3) 84
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1 1 Section 1. Section 321.34, subsection 10, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. The surviving spouse of a retired member
1 4 of a paid or volunteer fire department who was issued special
1 5 plates under this subsection may continue to use or apply for
1 6 and use the special plates subject to registration of the
1 7 special plates in the surviving spouse's name and upon payment
1 8 of the regular annual registration fee for the vehicle. If the
1 9 surviving spouse remarries, the surviving spouse shall return
1 10 the special plates to the department and the department shall
1 11 issue regular registration plates to the surviving spouse.

1 12 EXPLANATION

1 13 Under current law, a person who is a current or retired
1 14 member of a paid or volunteer fire department may apply for
1 15 special fire fighter motor vehicle registration plates. There
1 16 is a one-time fee of \$25 for issuance of the plates, which is
1 17 credited to the Paul Ryan memorial fire fighter safety training
1 18 fund. Fire fighter plates are renewed upon payment of the
1 19 regular annual registration fee for the vehicle.

1 20 This bill allows the surviving spouse of a retired fire
1 21 fighter who was issued special fire fighter registration plates
1 22 to continue to use or apply for and use the plates, registering
1 23 them in the surviving spouse's name. Renewal of the plates
1 24 is subject to payment of the regular registration fee for the
1 25 vehicle. The plates must be exchanged for regular registration
1 26 plates if the surviving spouse remarries.

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House File 103 - Introduced

HOUSE FILE
BY WINCKLER

A BILL FOR

1 An Act relating to the duties and operations of the state
2 commission of libraries, the division of libraries and
3 information services, and the library service areas.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1211HH (7) 84
kh/sc



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1 1 Section 1. Section 8A.454, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. A monthly per contract administrative charge shall
1 4 be assessed by the department on all health insurance plans
1 5 administered by the department in which the contract holder
1 6 has a state employer to pay the charge. The amount of the
1 7 administrative charge shall be established by the general
1 8 assembly. The department shall collect the administrative
1 9 charge from each department utilizing the centralized payroll
1 10 system and shall deposit the proceeds in the fund. In

1 11 addition, the state board of regents, ~~all library service~~
~~1 12 areas,~~ the state fair board, the state department of
1 13 transportation, and each judicial district department of
1 14 correctional services shall remit the administrative charge on
1 15 a monthly basis to the department and shall submit a report
1 16 to the department containing the number and type of health
1 17 insurance contracts held by each of its employees whose health
1 18 insurance is administered by the department.

1 19 Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011,
1 20 is amended to read as follows:

1 21 a. "Public agency" means a state agency, an institution
1 22 under the control of the board of regents, the judicial
1 23 branch as provided in section 8D.13, subsection 16, a school
1 24 corporation, a city library, ~~a library service area as provided~~
~~1 25 in chapter 256,~~ a county library as provided in chapter 336,
1 26 or a judicial district department of correctional services
1 27 established in section 905.2, to the extent provided in section
1 28 8D.13, subsection 14, an agency of the federal government, or a
1 29 United States post office which receives a federal grant for
1 30 pilot and demonstration projects.

1 31 Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended
1 32 to read as follows:

1 33 1. A private or public agency, other than a state agency,
1 34 local school district or nonpublic school, city library,
1 35 ~~library service area,~~ county library, judicial branch, judicial



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2 1 district department of correctional services, agency of the
2 2 federal government, a hospital or physician clinic, or a
2 3 post office authorized to be offered access pursuant to this
2 4 chapter as of May 18, 1994, shall certify to the commission
2 5 no later than July 1, 1994, that the agency is a part of or
2 6 intends to become a part of the network. Upon receiving such
2 7 certification from an agency not a part of the network on May
2 8 18, 1994, the commission shall provide for the connection of
2 9 such agency as soon as practical. An agency which does not
2 10 certify to the commission that the agency is a part of or
2 11 intends to become a part of the network as required by this
2 12 subsection shall be prohibited from using the network.

2 13 Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended
2 14 to read as follows:

2 15 4. A political subdivision receiving communications
2 16 services from the state as of April 1, 1986, may continue to
2 17 do so but communications services shall not be provided or
2 18 resold to additional political subdivisions other than a school
2 19 corporation, a city library, ~~a library service area as provided~~
~~2 20 in chapter 256,~~ and a county library as provided in chapter
2 21 336. The rates charged to the political subdivision shall be
2 22 the same as the rates charged to state agencies.

2 23 Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended
2 24 to read as follows:

2 25 1. All funds held by the following officers or institutions
2 26 shall be deposited in one or more depositories first approved
2 27 by the appropriate governing body as indicated: for the
2 28 treasurer of state, by the executive council; for judicial
2 29 officers and court employees, by the supreme court; for the
2 30 county treasurer, recorder, auditor, and sheriff, by the board
2 31 of supervisors; for the city treasurer or other designated
2 32 financial officer of a city, by the city council; for the
2 33 county public hospital or merged area hospital, by the board
2 34 of hospital trustees; for a memorial hospital, by the memorial
2 35 hospital commission; for a school corporation, by the board



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3 1 of school directors; for a city utility or combined utility
3 2 system established under chapter 388, by the utility board;
3 3 ~~for a library service area established under chapter 256,~~
3 4 ~~by the library service area board of trustees,~~ and for an
3 5 electric power agency as defined in section 28F.2 or 390.9,
3 6 by the governing body of the electric power agency. However,
3 7 the treasurer of state and the treasurer of each political
3 8 subdivision or the designated financial officer of a city shall
3 9 invest all funds not needed for current operating expenses in
3 10 time certificates of deposit in approved depositories pursuant
3 11 to this chapter or in investments permitted by section 12B.10.
3 12 The list of public depositories and the amounts severally
3 13 deposited in the depositories are matters of public record.
3 14 This subsection does not limit the definition of "public funds"
3 15 contained in subsection 2. Notwithstanding provisions of this
3 16 section to the contrary, public funds of a state government
3 17 deferred compensation plan established by the executive council
3 18 may also be invested in the investment products authorized
3 19 under section 509A.12.
3 20 Sec. 6. Section 218.22, Code 2011, is amended to read as
3 21 follows:
3 22 218.22 Record privileged.
3 23 Except with the consent of the administrator in charge
3 24 of an institution, or on an order of a court of record, the
3 25 record provided in section 218.21 shall be accessible only
3 26 to the administrator of the division of the department of
3 27 human services in control of such institution, the director
3 28 of the department of human services and to assistants and
3 29 proper clerks authorized by such administrator or the
3 30 administrator's director. The administrator of the division
3 31 of such institution is authorized to permit the division of
3 32 ~~libraries and information~~ library services of the department
3 33 of education and the historical division of the department of
3 34 cultural affairs to copy or reproduce by any photographic,
3 35 photostatic, microfilm, microcard or other process which



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4 1 accurately reproduces a durable medium for reproducing the
4 2 original and to destroy in the manner described by law such
4 3 records of residents designated in section 218.21.

4 4 Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,
4 5 is amended to read as follows:

4 6 Except for the college student aid commission, the
4 7 commission of libraries and division of library services, and
4 8 the public broadcasting board and division, the state board
4 9 shall:

4 10 Sec. 8. Section 256.7, subsection 17, Code 2011, is amended
4 11 to read as follows:

4 12 17. Receive and review the budget and unified plan of
4 13 service submitted by the division of ~~libraries and information~~
4 14 library services.

4 15 Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,
4 16 is amended to read as follows:

4 17 Except for the college student aid commission, the
4 18 commission of libraries and division of library services, and
4 19 the public broadcasting board and division, the director shall:

4 20 Sec. 10. Section 256.50, subsection 2, Code 2011, is amended
4 21 to read as follows:

4 22 2. "Division" means the division of ~~libraries and~~
4 23 ~~information~~ library services of the department of education.

4 24 Sec. 11. Section 256.51, subsection 1, unnumbered paragraph
4 25 1, Code 2011, is amended to read as follows:

4 26 The division of ~~libraries and information~~ library services
4 27 ~~is established within~~ attached to the department of education
4 28 for administrative purposes. The state librarian shall be
4 29 responsible for the division's budgeting and related management
4 30 functions in accordance section 256.52, subsection 3. The

4 31 division shall do all of the following:

4 32 Sec. 12. Section 256.51, subsection 1, Code 2011, is amended
4 33 by adding the following new paragraph:

4 34 NEW PARAGRAPH. 0a. Provide support services to libraries,
4 35 including but not limited to consulting, continuing education,



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5 1 interlibrary loan services, and references services to assure
5 2 consistency of service statewide and to encourage local
5 3 financial support for library services.

5 4 Sec. 13. Section 256.51, subsection 1, paragraph d, Code
5 5 2011, is amended to read as follows:

5 6 d. Develop, in consultation with the ~~library service areas~~
5 7 ~~and the area education agency media centers,~~ a biennial unified
5 8 plan of service and service delivery for the division of
5 9 ~~libraries and information~~ library services.

5 10 Sec. 14. Section 256.51, subsection 1, paragraph j, Code
5 11 2011, is amended to read as follows:

5 12 j. Establish and administer standards for state agency
5 13 ~~libraries, the library service areas,~~ and public libraries.

5 14 Sec. 15. Section 256.51, subsection 1, paragraph k, Code
5 15 2011, is amended by striking the paragraph.

5 16 Sec. 16. Section 256.51, subsection 2, paragraph c, Code
5 17 2011, is amended to read as follows:

5 18 c. Accept gifts, contributions, bequests, endowments,
5 19 or other moneys, including but not limited to the Westgate
5 20 endowment fund, for any or all purposes of the division.

5 21 Interest earned on moneys accepted under this paragraph
5 22 shall be credited to the fund or funds to which the gifts,
5 23 contributions, bequests, endowments, or other moneys have been
5 24 deposited, and is available for any or all purposes of the
5 25 division. The division shall report annually to the ~~director~~
5 26 ~~commission~~ and the general assembly regarding the gifts,
5 27 contributions, bequests, endowments, or other moneys accepted
5 28 pursuant to this paragraph and the interest earned on them.

5 29 Sec. 17. Section 256.52, subsection 1, Code 2011, is amended
5 30 to read as follows:

5 31 1. a. The state commission of libraries consists of one
5 32 member appointed by the supreme court, the director of the
5 33 department of education, or the director's designee, and ~~six~~
5 34 ~~the following seven members who shall be appointed by the~~
5 35 governor to serve four-year terms beginning and ending as



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6 1 provided in section 69.19. ~~The governor's appointees shall~~
6 2 (1) Two members shall be employed in the state as public
6 3 librarians.
6 4 (2) One member shall be a public library trustee.
6 5 (3) One member shall be employed in this state as an
6 6 academic librarian.
6 7 (4) One member shall be employed as a librarian by a school
6 8 district or area education agency.
6 9 (5) Two members shall be selected at large.
6 10 b. The members shall be reimbursed for their actual
6 11 expenditures necessitated by their official duties. Members
6 12 may also be eligible for compensation as provided in section
6 13 7E.6.
6 14 Sec. 18. Section 256.52, subsection 3, paragraph b,
6 15 subparagraphs (1) and (4), Code 2011, are amended to read as
6 16 follows:
6 17 (1) ~~Direct and organize the activities of~~ Organize, staff,
6 18 and administer the division so as to render the greatest
6 19 benefit to libraries in the state.
6 20 (4) Appoint and approve the technical, professional,
6 21 ~~excepting the law librarian,~~ secretarial, and clerical staff
6 22 necessary to accomplish the purposes of the division subject
6 23 to chapter 8A, subchapter IV.
6 24 Sec. 19. Section 256.52, subsection 3, paragraph b, Code
6 25 2011, is amended by adding the following new subparagraph:
6 26 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
6 27 obligations of the library service areas and be liable for
6 28 and recognize, assume, and carry out all valid contracts and
6 29 obligations of the library service areas that are consolidated
6 30 under the commission and administered by the division effective
6 31 beginning July 1, 2011. Each library service area shall
6 32 transfer, prior to July 1, 2011, its state=funded assets and
6 33 title to any state=funded real estate owned by the library
6 34 service area to the state librarian.
6 35 (b) This subparagraph is repealed July 1, 2015.



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7 1 Sec. 20. Section 256.52, subsection 5, Code 2011, is amended
7 2 to read as follows:

7 3 5. The commission shall receive and approve the budget and
7 4 unified plan of service submitted by the division ~~of libraries~~
~~7 5 and information services.~~

7 6 Sec. 21. Section 256.54, subsection 1, Code 2011, is amended
7 7 to read as follows:

7 8 1. The state library includes but is not limited to a ~~law~~
~~7 9 library~~ the library support network, the specialized library
7 10 services unit, and the state data center. The law library
7 11 shall be under the direction of the specialized library
7 12 services unit.

7 13 Sec. 22. Section 256.54, subsection 2, unnumbered paragraph
7 14 1, Code 2011, is amended to read as follows:

7 15 The law library shall be administered by a law librarian
7 16 appointed by the ~~director~~ state librarian subject to chapter
7 17 8A, subchapter IV, who shall do all of the following:

7 18 Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011,
7 19 is amended to read as follows:

7 20 A state data center is established in the ~~department~~
~~7 21 of education~~ division. The state data center shall be
7 22 administered by the state data center coordinator, who shall
7 23 do all of the following:

7 24 Sec. 24. NEW SECTION. 256.58 Library support network.

7 25 1. A library support network is established in the division
7 26 to offer services and programs for libraries, including but not
7 27 limited to individualized, locally delivered consulting and
7 28 training, and to facilitate resource sharing and innovation
7 29 through the use of technology, administer enrich Iowa programs,
7 30 advocate for libraries, promote excellence and innovation
7 31 in library services, encourage governmental subdivisions to
7 32 provide local financial support for local libraries, and ensure
7 33 the consistent availability of quality service to all libraries
7 34 throughout the state, regardless of location or size.

7 35 2. The organizational structure to deliver library support



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8 1 network services shall include district offices. The district
8 2 offices shall serve as a basis for providing field services
8 3 to local libraries in the counties comprising the district.
8 4 The division shall determine which counties are served by each
8 5 district office.
8 6 Sec. 25. NEW SECTION. 256.59 Specialized library services.
8 7 The specialized library services unit is established in the
8 8 division to provide information services to the three branches
8 9 of state government and to offer focused information services
8 10 to the general public in the areas of Iowa law, Iowa state
8 11 documents, and Iowa history and culture.
8 12 Sec. 26. NEW SECTION. 256.62 Library services advisory
8 13 panel.
8 14 1. The state librarian shall convene a library services
8 15 advisory panel to advise and recommend to the commission and
8 16 the division evidence-based best practices, to assist the
8 17 commission and division to determine service priorities and
8 18 launch programs, articulate the needs and interests of Iowa
8 19 librarians, and share research and professional development
8 20 information.
8 21 2. The library services advisory panel shall consist of no
8 22 fewer than eleven members representing libraries of all sizes
8 23 and types, and various population levels and geographic regions
8 24 of the state. A simple majority of the members appointed
8 25 shall be appointed by the executive board of the Iowa library
8 26 association and the remaining members shall be appointed by
8 27 the state librarian. Terms of members shall begin and end
8 28 as provided in section 69.19. Any vacancy shall be filled
8 29 in the same manner as regular appointments are made for the
8 30 unexpired portion of the regular term. Members shall serve
8 31 four-year terms which are staggered at the discretion of the
8 32 state librarian. A member is eligible for reappointment for
8 33 three successive terms. The members shall elect a chairperson
8 34 annually.
8 35 3. The library services advisory panel shall meet at least



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9 1 twice annually and shall submit its recommendations in a
9 2 report to the commission and the state librarian at least once
9 3 annually. The report shall be timely submitted to allow for
9 4 consideration of the recommendations prior to program planning
9 5 and budgeting for the following fiscal year.
9 6 4. Members of the library services advisory panel shall
9 7 receive actual and necessary expenses incurred in the
9 8 performance of their duties. Expenses shall be paid from funds
9 9 appropriated to the department for purposes of the division.
9 10 Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,
9 11 is amended to read as follows:
9 12 The division of ~~libraries and information~~ library services
9 13 of the department of education is hereby authorized to enter
9 14 into interstate library compacts on behalf of the state of Iowa
9 15 with any state bordering on Iowa which legally joins therein
9 16 in substantially the following form and the contracting states
9 17 agree that:
9 18 Sec. 28. Section 256.71, Code 2011, is amended to read as
9 19 follows:
9 20 256.71 Administrator.
9 21 The administrator of the division of ~~libraries and~~
9 22 ~~information~~ library services shall be the compact
9 23 administrator. The compact administrator shall receive copies
9 24 of all agreements entered into by the state or its political
9 25 subdivisions and other states or political subdivisions;
9 26 consult with, advise and aid such governmental units in the
9 27 formulation of such agreements; make such recommendations to
9 28 the governor, legislature, governmental agencies and units as
9 29 the administrator deems desirable to effectuate the purposes
9 30 of this compact and consult and co=operate with the compact
9 31 administrators of other party states.
9 32 Sec. 29. Section 273.2, subsection 4, Code 2011, is amended
9 33 to read as follows:
9 34 4. The area education agency board shall provide for special
9 35 education services and media services for the local school



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10 1 districts in the area and shall encourage and assist school
10 2 districts in the area to establish programs for gifted and
10 3 talented children. The board shall assist in facilitating
10 4 interlibrary loans of materials between school districts and
10 5 other libraries. ~~Each area education agency shall include~~
~~10 6 as a member of its media center advisory committee a library~~
~~10 7 service area trustee or library service area staff member, who~~
~~10 8 is appointed to the committee by the commission of libraries.~~
10 9 Sec. 30. Section 669.2, subsection 5, Code 2011, is amended
10 10 to read as follows:
10 11 5. "State agency" includes all executive departments,
10 12 agencies, boards, bureaus, and commissions of the state of
10 13 Iowa, and corporations whose primary function is to act as, and
10 14 while acting as, instrumentalities or agencies of the state of
10 15 Iowa, whether or not authorized to sue and be sued in their
10 16 own names. This definition does not include a contractor with
10 17 the state of Iowa. Soil and water conservation districts
10 18 as defined in section 161A.3, subsection 6, and judicial
10 19 district departments of correctional services as established in
10 20 section 905.2, ~~and library service area boards of trustees as~~
~~10 21 established in chapter 256~~ are state agencies for purposes of
10 22 this chapter.
10 23 Sec. 31. Section 904.601, unnumbered paragraph 1, Code
10 24 2011, is amended to read as follows:
10 25 The director shall keep the following record of every person
10 26 committed to any of the department's institutions: Name,
10 27 residence, sex, age, place of birth, occupation, civil
10 28 condition, date of entrance or commitment, date of discharge,
10 29 whether a discharge is final, condition of the person when
10 30 discharged, the name of the institutions from which and to
10 31 which the person has been transferred, and if the person is
10 32 dead, the date and cause of death. The director may permit
10 33 the division of ~~libraries and information~~ library services of
10 34 the department of education and the historical division of
10 35 the department of cultural affairs to copy or reproduce by



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11 1 any photographic, photostatic, microfilm, microcard, or other
11 2 process which accurately reproduces in a durable medium and to
11 3 destroy in the manner described by law the records of inmates
11 4 required by this paragraph.

11 5 Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through
11 6 256.68, Code 2011, are repealed.

11 7 Sec. 33. TRANSITION PROVISION. A governor's appointee
11 8 serving on the state commission of libraries on the effective
11 9 date of this Act shall continue to serve as a member of the
11 10 commission until the appointee's term expires.

11 11 Sec. 34. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH OF SERVICE
11 12 ==== TRANSFER OF PERSONNEL RECORDS.

11 13 1. The length of service of a permanent employee of a
11 14 library service area who is employed by a library service area
11 15 on June 30, 2011, and who is hired by the division of library
11 16 services on or after July 1, 2011, shall be prorated and
11 17 credited as state employment service for purposes of vacation
11 18 and sick leave accrual.

11 19 2. The area administrator of each library service area
11 20 shall submit to the division of library services the personnel
11 21 records of each permanent full-time employee of the library
11 22 service area by July 1, 2011.

11 23 EXPLANATION

11 24 This bill changes the name of the division of libraries and
11 25 information services within the department of education to the
11 26 division of library services, establishes that the division is
11 27 attached to the department for administrative purposes only,
11 28 establishes within the division a library support network and
11 29 a specialized library services unit, expands the membership
11 30 of the commission of libraries, directs the state librarian
11 31 to convene a library services advisory panel, and eliminates
11 32 the library service areas effective July 1, 2011, transfers
11 33 their duties to the division, and directs the state librarian
11 34 to assume all of the outstanding obligations of the library
11 35 service areas.



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12 1 The state librarian is made responsible for the division's
12 2 budgeting and related management functions, and is directed to
12 3 organize, staff, and administer the division so as to render
12 4 the greatest benefit to libraries in the state.
12 5 Each library service area is directed to transfer, prior
12 6 to July 1, 2011, its state=funded assets and title to any
12 7 state=funded real estate owned by the library service area to
12 8 the state librarian, who currently controls all property of the
12 9 division.
12 10 The division is directed to provide support services to
12 11 libraries, including but not limited to consulting, continuing
12 12 education, and interlibrary loan and references services to
12 13 assure consistency of service statewide and to encourage local
12 14 financial support for library services.
12 15 The commission of libraries membership is increased by one
12 16 member. Currently, members are appointed by the governor
12 17 and are appointed on an at=large basis. Under the bill, the
12 18 members include public librarians, a public library trustee,
12 19 an academic librarian, a school district or area education
12 20 agency librarian, and two members appointed on an at=large
12 21 basis. A governor's appointee serving on the state commission
12 22 of libraries on the effective date of the bill shall continue
12 23 to serve as a member of the commission until the appointee's
12 24 term expires.
12 25 The bill provides that the law librarian be appointed by the
12 26 state librarian, rather than the director of the department of
12 27 education.
12 28 A library support network is established in the division
12 29 to offer services and programs for libraries, including
12 30 individualized, locally delivered consulting services and
12 31 training, and to facilitate resource sharing and innovation
12 32 through the use of technology, administer enrich Iowa programs,
12 33 advocate for libraries throughout the state, provide support
12 34 for information technology, seek and offer opportunities
12 35 to libraries throughout the state, promote excellence and



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13 1 innovation in library services, encourage governmental
13 2 subdivisions to provide local financial support for local
13 3 libraries, and ensure the consistent availability of quality
13 4 service to all libraries throughout the state, regardless of
13 5 location or size.
13 6 The specialized library services unit is established in the
13 7 division to provide information services to the three branches
13 8 of state government and to offer focused information services
13 9 to the general public in the areas of Iowa law, Iowa state
13 10 documents, and Iowa history and culture.
13 11 The library services advisory panel is tasked with
13 12 advising and recommending to the commission and the division
13 13 evidence-based best practices, assisting the commission and
13 14 division to determine service priorities and launch programs,
13 15 articulating the needs and interests of Iowa librarians, and
13 16 sharing research and professional development information.
13 17 The library services advisory panel consists of at least 11
13 18 members representing libraries of all sizes and types, and
13 19 various population levels and geographic regions of the state.
13 20 A simple majority of the members shall be appointed by the
13 21 executive board of the Iowa library association, with the state
13 22 librarian appointing the remaining members. Members shall
13 23 serve four-year terms which are staggered at the discretion of
13 24 the state librarian. A member is eligible for reappointment
13 25 for three successive terms. The members shall elect a
13 26 chairperson annually. Members of the library services advisory
13 27 panel shall receive actual and necessary expenses incurred in
13 28 the performance of their duties. Expenses are paid from funds
13 29 appropriated to the department for purposes of the division.
13 30 The library services advisory panel shall meet at least
13 31 twice annually and shall submit its recommendations in a
13 32 report to the commission and the state librarian at least once
13 33 annually in time to allow for consideration prior to program
13 34 planning and budgeting for the following fiscal year.
13 35 The length of service of a permanent full-time employee of a



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14 1 library service area who is employed by a library service area
14 2 on June 30, 2011, and who is hired by the division on or after
14 3 July 1, 2011, shall be credited as state employment service
14 4 for purposes of vacation and sick leave accrual. The area
14 5 administrator of each library service area shall submit to the
14 6 division of libraries and information services the personnel
14 7 records of each permanent full-time employee of the library
14 8 service area by July 1, 2011.

LSB 1211HH (7) 84

kh/sc



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House File 104 - Introduced

HOUSE FILE
BY WINDSCHITL

A BILL FOR

1 An Act relating to the manufacture and sale of a mechanical
2 device designed to suppress the sound of a firearm when
3 fired.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1449YH (5) 84
rh/rj



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1 1 Section 1. Section 724.2, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 6A. Any person, firm, or corporation who
1 4 under the laws of this state and the United States is lawfully
1 5 engaged in the manufacture or sale of a mechanical device
1 6 specifically constructed and designed so that when attached to
1 7 a firearm it silences, muffles, or suppresses the sound when
1 8 fired.

1 9 Sec. 2. NEW SECTION. 724.28A Manufacture and sale of
1 10 firearm suppressors.

1 11 A mechanical device specifically constructed and designed
1 12 so that when attached to a firearm it silences, muffles, or
1 13 suppresses the sound when fired, which is manufactured and
1 14 sold in Iowa and which remains within the borders of Iowa, is
1 15 not subject to federal law or federal regulation, including
1 16 registration, under the authority of the Congress of the United
1 17 States to regulate interstate commerce.

1 18 EXPLANATION

1 19 This bill provides that a mechanical device specifically
1 20 constructed and designed so that when attached to a firearm it
1 21 silences, muffles, or suppresses the sound when fired, which
1 22 is manufactured and sold in Iowa and which remains within the
1 23 borders of Iowa, is not subject to federal law or federal
1 24 regulation, including registration, under the authority of the
1 25 United States Congress to regulate interstate commerce.

1 26 Current Iowa law provides that a mechanical device
1 27 specifically constructed and designed so that when attached to
1 28 a firearm it silences, muffles, or suppresses the sound when
1 29 fired is an offensive weapon. Under Code section 724.3, any
1 30 person who knowingly possesses an offensive weapon commits a
1 31 class "D" felony, punishable by confinement for no more than
1 32 five years and a fine of at least \$750 but not more than \$7,500.
1 33 The bill amends Code section 724.2 to authorize any person,
1 34 firm, or corporation who under the laws of this state and the
1 35 United States is lawfully engaged in the manufacture or sale



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2 1 of a mechanical device specifically constructed and designed
2 2 so that when attached to a firearm it silences, muffles, or
2 3 suppresses the sound when fired to lawfully possess such an
2 4 offensive weapon.

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rh/rj



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House File 105 - Introduced

HOUSE FILE
BY WAGNER

A BILL FOR

1 An Act requiring that revenue from a city's use of automated
2 traffic enforcement systems be allocated for property tax
3 relief.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1118YH (8) 84
dea/sc



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House File 105 - Introduced continued

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1 1 Section 1. Section 364.3, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. For a violation of an ordinance, a city shall not
1 4 provide a penalty in excess of the maximum fine and term of
1 5 imprisonment for a simple misdemeanor under section 903.1,
1 6 subsection 1, paragraph "a". Am Except as otherwise provided
1 7 in this subsection, an amount equal to ten percent of all

1 8 fines collected by cities shall be deposited in the account
1 9 established in section 602.8108. ~~However, one~~

1 10 (a) One hundred percent of all fines collected by a city
1 11 pursuant to section 321.236, subsection 1, shall be retained
1 12 by the city.

1 13 (b) One hundred percent of the fines collected from the use
1 14 of an automated traffic enforcement system shall be deposited
1 15 in the city's automated traffic enforcement program account
1 16 established pursuant to section 384.3B.

1 17 (c) The criminal penalty surcharge required by section
1 18 911.1 shall be added to a city fine and is not a part of the
1 19 city's penalty.

1 20 Sec. 2. NEW SECTION. 384.3B Automated traffic enforcement
1 21 program account.

1 22 1. For purposes of this section, the following definitions
1 23 apply:

1 24 a. "Automated traffic enforcement program" means the
1 25 utilization of one or more automated traffic enforcement
1 26 systems to issue civil citations for violations of traffic
1 27 ordinances which constitute municipal infractions.

1 28 b. "Automated traffic enforcement system" means a device
1 29 with one or more sensors working in conjunction with one of the
1 30 following:

1 31 (a) An official traffic=control signal, as defined in
1 32 section 321.1, to produce recorded images of motor vehicles
1 33 entering an intersection against a steady circular red light.

1 34 (b) A speed measuring device to produce recorded images of
1 35 motor vehicles traveling at a prohibited rate of speed.



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2 1 (c) A device to produce recorded images of motor vehicles
2 2 violating a railroad grade crossing signal light, as described
2 3 in section 321.342.

2 4 (d) Any official traffic=control device, as defined
2 5 in section 321.1, if failure to comply with the official
2 6 traffic=control device constitutes a moving violation under
2 7 chapter 321.

2 8 2. A city that uses an automated traffic enforcement system
2 9 shall establish an automated traffic enforcement program
2 10 account within the city's general fund. Interest earned on
2 11 revenues deposited in the account pursuant to section 364.3,
2 12 subsection 2, shall remain in the account and be used for the
2 13 purposes specified in this section. Moneys in the account are
2 14 not subject to transfer to any other accounts in the city's
2 15 general fund or to any other funds established by a city unless
2 16 such transfer is for a purpose specified in this section.

2 17 3. Moneys in the account shall be used to pay the costs of
2 18 operating the city's automated traffic enforcement program.

2 19 4. Moneys in the account in excess of the amount necessary
2 20 for the purpose specified in subsection 3 shall be used for
2 21 property tax relief as provided in section 384.16, subsection
2 22 1A.

2 23 Sec. 3. Section 384.16, subsection 1, paragraph a,
2 24 subparagraphs (2) and (3), Code 2011, are amended to read as
2 25 follows:

2 26 (2) Income from sources other than property taxation, but
2 27 not including revenues deposited in the automated traffic
2 28 enforcement program account established pursuant to section
2 29 384.3B.

2 30 (3) Amount to be raised by property taxation reduced by
2 31 the amount specified under subsection 1A, and the property tax
2 32 rate expressed in dollars per one thousand dollars assessed
2 33 valuation.

2 34 Sec. 4. Section 384.16, Code 2011, is amended by adding the
2 35 following new subsection:



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3 1 NEW SUBSECTION. 1A. If the city has established an
3 2 automated traffic enforcement program account pursuant to
3 3 section 384.3B, the amount available in that account for
3 4 property tax relief as of December 1 of each year shall
3 5 be applied to reduce the tax levy to be certified for the
3 6 following fiscal year.

3 7 EXPLANATION

3 8 This bill requires that revenue generated from the use
3 9 of automated traffic enforcement systems be used to provide
3 10 property tax relief within a city.

3 11 The bill defines "automated traffic enforcement system"
3 12 as a device with one or more sensors working in conjunction
3 13 with an official traffic=control signal, a speed measuring
3 14 device, a device that records images of motor vehicles
3 15 violating a railroad grade crossing signal light, or any
3 16 official traffic=control device if failure to comply with the
3 17 traffic=control device would constitute a moving violation
3 18 if cited under state law. The definition includes within
3 19 its scope devices known as "red light cameras" and "speed
3 20 cameras". "Automated traffic enforcement program" is defined
3 21 as the utilization of one or more automated traffic enforcement
3 22 systems to issue civil citations for traffic violations which
3 23 constitute municipal infractions.

3 24 Under the bill, a city that has an automated traffic
3 25 enforcement program must establish a separate account in the
3 26 city's general fund for the deposit of fines collected from
3 27 the use of automated traffic enforcement systems. Moneys in
3 28 the account, including interest, shall be used first to pay
3 29 the costs of the city's automated traffic enforcement program.
3 30 Any remaining moneys in the account are to be used annually
3 31 to reduce the city's property tax levy to be certified in the
3 32 following year.

LSB 1118YH (8) 84

dea/sc



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House File 106 - Introduced

HOUSE FILE
BY HEDDENS

A BILL FOR

1 An Act relating to the treatment of benefits for individuals
2 committed to certain public institutions including medical
3 assistance, social security, and supplemental security
4 income benefits.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1770HH (3) 84
pf/nh



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House File 106 - Introduced continued

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1 1 Section 1. NEW SECTION. 249A.38 Committed individuals ====
1 2 suspension or termination of medical assistance ==== reapplication
1 3 for social security and supplemental security income.
1 4 1. The medical assistance benefits of an individual who
1 5 received medical assistance immediately prior to commitment
1 6 to a public institution by reason of an arrest or charge
1 7 for or conviction of a crime, may be suspended rather than
1 8 terminated for the initial twelve=month period of commitment if
1 9 the individual was eligible for medical assistance by reason
1 10 of disability or being sixty=five years of age or older.
1 11 Following the initial twelve=month period of commitment, such
1 12 benefits may be terminated.
1 13 2. The entity with control of the public institution to
1 14 which an individual specified under subsection 1 is committed
1 15 shall work with the department to develop a process for all of
1 16 the following:
1 17 a. Notifying the department of the date an individual who
1 18 may be eligible for suspension of medical assistance enters the
1 19 public institution.
1 20 b. Notifying the department of any changes that may affect
1 21 the individual's eligibility for medical assistance during the
1 22 time the individual is committed to the public institution.
1 23 c. Assisting the department in the medical assistance review
1 24 process as part of the individual's discharge planning prior to
1 25 release of the individual in order to provide the individual
1 26 with continued medical coverage.
1 27 3. The entity with control of the public institution to
1 28 which an individual specified under subsection 1 is committed
1 29 shall work with the department to develop a process for the
1 30 individual to apply or reapply for supplemental security income
1 31 or social security as part of the individual's discharge
1 32 planning if the entity determines that the individual may be
1 33 eligible for such benefits.
1 34 4. For the purposes of this section, "public institution"
1 35 means a public institution, as defined in 42 C.F.R. { 435.1010,



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2 1 to which an individual is committed by reason of arrest or
2 2 charge for or conviction of a crime.

2 3 5. This section applies to individuals as specified in
2 4 subsection 1 on and after October 1, 2009.

2 5 EXPLANATION

2 6 This bill provides for the suspension rather than
2 7 termination of medical assistance benefits of a person who
2 8 received medical assistance benefits immediately prior to
2 9 commitment to a public institution, during the initial 12-month
2 10 period of commitment. Following the initial 12-month period of
2 11 commitment, such benefits may be terminated. Additionally, the
2 12 bill requires the entity with control of the public institution
2 13 or facility to which the individual is committed to work with
2 14 the department of human services to develop a process to
2 15 maximize the individual's ability to continue medical coverage
2 16 and other benefits including supplemental security income and
2 17 social security.

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pf/nh



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House File 107 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to a foreign language requirement at the
2 elementary school level and including an effective date
3 provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1574HH (3) 84
kh/sc



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1 1 Section 1. Section 256.11, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. The following areas shall be taught in grades one through
1 4 six: English=language arts, social studies, mathematics,
1 5 science, health, age=appropriate and research=based human
1 6 growth and development, physical education, traffic safety,
1 7 music, and visual art. The health curriculum shall include the
1 8 characteristics of communicable diseases including acquired
1 9 immune deficiency syndrome. At least one foreign language
1 10 shall be taught in grades one through six in school districts.

1 11 The state board as part of accreditation standards shall adopt
1 12 curriculum definitions for implementing the elementary program.

1 13 Sec. 2. FOREIGN LANGUAGE FOR ELEMENTARY STUDENTS ==== SCHOOL
1 14 DISTRICT PLAN. The board of directors of each school district
1 15 shall develop and implement a plan to teach at least one
1 16 foreign language in grades one through six by the school year
1 17 beginning July 1, 2013.

1 18 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
1 19 with section 25B.2, subsection 3, the state cost of requiring
1 20 compliance with any state mandate included in this Act shall
1 21 be paid by a school district from state school foundation aid
1 22 received by the school district under section 257.16. This
1 23 specification of the payment of the state cost shall be deemed
1 24 to meet all of the state funding=related requirements of
1 25 section 25B.2, subsection 3, and no additional state funding
1 26 shall be necessary for the full implementation of this Act
1 27 by and enforcement of this Act against all affected school
1 28 districts.

1 29 Sec. 4. EFFECTIVE DATE. The section of this Act amending
1 30 section 256.11, subsection 3, takes effect July 1, 2013.

1 31 EXPLANATION

1 32 This bill requires school districts to develop and implement
1 33 a plan to teach at least one foreign language in grades one
1 34 through six by the school year beginning July 1, 2013. The
1 35 provision that amends the educational standards to require



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2 1 school districts to teach at least one foreign language in
2 2 grades one through six takes effect July 1, 2013.
2 3 The bill may include a state mandate as defined in Code
2 4 section 25B.3. The bill requires that the state cost of
2 5 any state mandate included in the bill be paid by a school
2 6 district from state school foundation aid received by the
2 7 school district under Code section 257.16. The specification
2 8 is deemed to constitute state compliance with any state mandate
2 9 funding-related requirements of Code section 25B.2. The
2 10 inclusion of this specification is intended to reinstate the
2 11 requirement of political subdivisions to comply with any state
2 12 mandates included in the bill.

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kh/sc



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House File 108 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to policies granting resident status for
2 purposes of paying postsecondary tuition and fees at public
3 institutions of higher education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1564HH (2) 84
kh/nh



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House File 108 - Introduced continued

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1 1 Section 1. Short title. This Act shall be known as the
1 2 "Iowa Opportunities Workforce Act".
1 3 Sec. 2. Section 260C.14, Code 2011, is amended by adding the
1 4 following new subsection:
1 5 NEW SUBSECTION. 23. Adopt a policy, to take effect
1 6 not later than January 1, 2012, relating to an additional
1 7 classification of students for purposes of determining tuition
1 8 and fees that provides equal opportunity for granting resident
1 9 status to individuals who meet all of the following conditions:
1 10 a. Attended an accredited school in this state for at least
1 11 five years as of the date the individual graduated from an
1 12 accredited high school or received a high school equivalency
1 13 diploma in this state.
1 14 b. Is accepted for enrollment in a community college in this
1 15 state.
1 16 c. Was not required to pay tuition to attend a public high
1 17 school in this state.
1 18 d. Signs an affidavit, if the individual does not have a
1 19 social security number, stating that the individual will pursue
1 20 citizenship in the United States at the earliest possible time
1 21 the individual is able to do so.
1 22 Sec. 3. Section 262.9, Code 2011, is amended by adding the
1 23 following new subsection:
1 24 NEW SUBSECTION. 36. Adopt a policy, to take effect
1 25 not later than January 1, 2012, relating to an additional
1 26 classification of students for purposes of determining tuition
1 27 and fees that provides equal opportunity for granting resident
1 28 status to individuals who meet all of the following conditions:
1 29 a. Attended an accredited school in this state for at least
1 30 five years as of the date the individual graduated from an
1 31 accredited high school or received a high school equivalency
1 32 diploma in this state.
1 33 b. Is accepted for enrollment in a university under the
1 34 control of the board in this state.
1 35 c. Was not required to pay tuition to attend a public high



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2 1 school in this state.

2 2 d. Signs an affidavit, if the individual does not have a
2 3 social security number, stating that the individual will pursue
2 4 citizenship in the United States at the earliest possible time
2 5 the individual is able to do so.

2 6 EXPLANATION

2 7 This bill directs the board of directors of a community
2 8 college and the state board of regents to adopt policies,
2 9 to take effect not later than January 1, 2012, relating to
2 10 an additional classification of students for purposes of
2 11 determining tuition and fees that provide equal opportunity
2 12 for granting resident status to certain individuals. The bill
2 13 includes a short title so that it will be known and may be cited
2 14 to as the "Iowa Opportunities Workforce Act".

2 15 To meet the requirements of the policy, an individual
2 16 must have attended an accredited school in this state for
2 17 at least five years or received a high school equivalency
2 18 diploma in this state, be accepted for enrollment in a public
2 19 postsecondary institution in this state, must not have been
2 20 required to pay tuition to attend a public high school in this
2 21 state, and must sign an affidavit, if the individual does not
2 22 have a social security number, stating that the individual
2 23 will pursue U.S. citizenship at the earliest possible time the
2 24 individual is able to do so.

LSB 1564HH (2) 84

kh/nh



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House File 109 - Introduced

HOUSE FILE
BY JORGENSEN, S. OLSON,
and SODERBERG

A BILL FOR

1 An Act removing the requirement that every student complete a
2 certification course for cardiopulmonary resuscitation by
3 the end of the twelfth grade.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1749YH (2) 84
je/nh



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PAG LIN

1 1 Section 1. Section 256.11, subsection 6, paragraph c, Code
1 2 2011, is amended by striking the paragraph.
1 3 EXPLANATION
1 4 Current law requires every student by the end of the twelfth
1 5 grade to complete a certification course for cardiopulmonary
1 6 resuscitation. This bill strikes the requirement.
LSB 1749YH (2) 84
je/nh



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House File 96 - Introduced

HOUSE FILE
BY HORBACH

A BILL FOR

1 An Act relating to the attachment of tags to deer carcasses.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1841YH (5) 84
av/nh



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PAG LIN

1 1 Section 1. Section 483A.8, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. The deer hunting license shall be accompanied by a tag
1 4 designed to be used only once. When a deer is taken, the deer
1 5 shall be tagged and the tag shall be dated. The tag shall be
1 6 attached to the carcass of a deer taken within thirty minutes
1 7 of the time the deer carcass is located after being taken, or
1 8 before the carcass is moved to be transported by any means
1 9 from the place where the deer was taken, whichever occurs
1 10 first. For each antlered deer taken, the tag shall be affixed
1 11 to the deer's antlers. For the purposes of this subsection,
1 12 transportation of a deer carcass does not include moving the
1 13 carcass by hand a reasonable distance for the sole purpose of
1 14 finding a suitable location to field dress the deer. For the
1 15 purposes of this subsection, "field dress" means that the deer
1 16 carcass is bled and cleaned of its internal organs.

1 17 EXPLANATION

1 18 This bill requires that a deer tag must be attached to the
1 19 carcass of a deer taken within 30 minutes of the time the deer
1 20 is located after being taken, or before the carcass is moved to
1 21 be transported by any means from the place where the deer was
1 22 taken, whichever occurs first. For the purposes of the bill,
1 23 transportation of a deer carcass does not include moving the
1 24 carcass by hand a reasonable distance for the sole purpose of
1 25 finding a suitable location to field dress the deer. For the
1 26 purposes of the bill, "field dress" means that the deer carcass
1 27 is properly bled and cleaned of its internal organs.

1 28 Currently, by rule, a tag must be attached to the carcass of
1 29 a deer taken within 15 minutes of the time the deer is killed
1 30 or before the carcass is moved in any manner, whichever occurs
1 31 first.

LSB 1841YH (5) 84

av/nh



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House File 97 - Introduced

HOUSE FILE
BY GASKILL

A BILL FOR

1 An Act requiring a postelection audit after each general
2 election and including effective and applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1589HH (5) 84
sc/nh



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House File 97 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.53, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The commissioner shall not less than four nor more than
1 4 twenty days before the day of each election, except those for
1 5 which different publication requirements are prescribed by law,
1 6 publish notice of the election. The notice shall contain a
1 7 facsimile of the portion of the ballot containing the first
1 8 rotation as prescribed by section 49.31, subsection 2, and
1 9 shall show the names of all candidates or nominees and the
1 10 office each seeks, and all public questions, to be voted upon
1 11 at the election. The sample ballot published as a part of the
1 12 notice may at the discretion of the commissioner be reduced in
1 13 size relative to the actual ballot but such reduction shall
1 14 not cause upper case letters appearing in candidates' names or
1 15 in summaries of public measures on the published sample ballot
1 16 to be less than nine point type. The notice shall also state
1 17 the date of the election, the hours the polls will be open,
1 18 the location of each polling place at which voting is to occur
1 19 in the election, and the names of the precincts voting at each
1 20 polling place, but the statement need not set forth any fact
1 21 which is apparent from the portion of the ballot appearing as
1 22 a part of the same notice. The notice shall include the full
1 23 text of all public measures to be voted upon at the election.
1 24 For the general election, the notice shall also include notice
1 25 of the time and place of the postelection audit required in
1 26 section 50.51.
1 27 Sec. 2. Section 50.12, Code 2011, is amended to read as
1 28 follows:
1 29 50.12 Return and preservation of ballots.
1 30 Immediately after making the proclamation, and before
1 31 separating, the board members of each precinct in which votes
1 32 have been received by paper ballot shall enclose in an envelope
1 33 or other container all ballots which have been counted by them,
1 34 except those endorsed "Rejected as double", "Defective", or
1 35 "Objected to", and securely seal the envelope. The signatures



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2 1 of all board members of the precinct shall be placed across
2 2 the seal or the opening of the container so that it cannot
2 3 be opened without breaking the seal. The precinct election
2 4 officials shall return all the ballots to the commissioner, who
2 5 shall carefully preserve them for six months. Ballots from
2 6 elections for federal offices shall be preserved for twenty-two
2 7 months. The sealed packages containing voted ballots shall
2 8 be opened only for an official recount authorized by section
2 9 50.48, 50.49, or 50.50, for an election contest held pursuant
2 10 to chapters 57 through 62, for a postelection audit required by
2 11 section 50.51, or to destroy the ballots pursuant to section
2 12 50.19.

2 13 Sec. 3. Section 50.48, subsection 1, paragraph a,
2 14 unnumbered paragraph 1, Code 2011, is amended to read as
2 15 follows:

2 16 The county board of canvassers shall order a recount of the
2 17 votes cast for a particular office or nomination in one or
2 18 more specified election precincts in that county if a written
2 19 request ~~therefor~~ for a recount is made not later than 5:00 p.m.
2 20 on the third day following the county board's canvass of the
2 21 election in question. However, if a postelection audit is
2 22 expanded pursuant to section 50.51, subsection 6, paragraph
2 23 "d", the request for a recount shall be made not later than
2 24 5:00 p.m. on the first business day following completion of
2 25 the audit. The request shall be filed with the commissioner

2 26 of that county, or with the commissioner responsible for
2 27 conducting the election if section 47.2, subsection 2, is
2 28 applicable, and shall be signed by either of the following:

2 29 Sec. 4. Section 50.49, subsection 1, Code 2011, is amended
2 30 to read as follows:

2 31 1. A recount for any public measure shall be ordered by
2 32 the board of canvassers if a petition requesting a recount is
2 33 filed with the county commissioner not later than three days
2 34 after the completion of the canvass of votes for the election
2 35 at which the question appeared on the ballot. However, if a



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3 1 postelection audit is expanded to additional precincts pursuant
3 2 to section 50.51, subsection 6, paragraph "d", the request for
3 3 a recount shall be made not later than 5:00 p.m. on the first
3 4 business day following completion of the audit. The petition
3 5 shall be signed by the greater of not less than ten eligible
3 6 electors or a number of eligible electors equaling one percent
3 7 of the total number of votes cast upon the public measure.
3 8 Each petitioner must be a person who was entitled to vote on
3 9 the public measure in question or would have been so entitled
3 10 if registered to vote.

3 11 Sec. 5. NEW SECTION. 50.51 Postelection audit.

3 12 1. a. After each general election, a postelection audit of
3 13 voting systems shall be conducted as provided in this section.

3 14 b. A postelection audit conducted pursuant to this section
3 15 shall not affect a person's right to request a recount under
3 16 section 50.48 or the right of electors to request a recount
3 17 of a public measure under section 50.49 or the commissioner's
3 18 right to request an administrative recount under section 50.50.
3 19 If a request for a recount is filed under section 50.48 or
3 20 50.49, a postelection audit of the office or public measure for
3 21 which the recount was requested shall not be conducted or shall
3 22 be terminated, as the case may be.

3 23 2. The commissioner shall include notice of the time and
3 24 place of the postelection audit in the notice of the election
3 25 published pursuant to section 49.53. The commissioner shall
3 26 also notify the county chairperson of each political party
3 27 referred to in section 49.13, subsection 2, of the time and
3 28 place of the postelection audit.

3 29 3. a. The postelection audit shall be conducted for the
3 30 offices of president of the United States and governor and
3 31 an additional office listed in paragraph "b" or "c", and the
3 32 offices listed in paragraph "d", if applicable.

3 33 b. When the office of president of the United States
3 34 appears on the ballot, the votes cast for one of the following
3 35 contested offices shall be audited:



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4 1 (1) United States senator.
4 2 (2) United States representative.
4 3 (3) Senator in the general assembly.
4 4 (4) Representative in the general assembly.
4 5 c. When the office of governor appears on the ballot, the
4 6 votes cast for one of the following contested offices shall be
4 7 audited:
4 8 (1) United States senator.
4 9 (2) United States representative.
4 10 (3) Senator in the general assembly.
4 11 (4) Representative in the general assembly.
4 12 (5) Secretary of state.
4 13 (6) Auditor of state.
4 14 (7) Treasurer of state.
4 15 (8) Attorney general.
4 16 (9) Secretary of agriculture.
4 17 d. The additional office to be audited under paragraph
4 18 "b" or "c" shall be chosen by lot at the same time and in the
4 19 same manner that precincts to be audited are chosen pursuant
4 20 to subsection 4. If in the election to be audited, none of
4 21 the offices listed in paragraph "b" were contested races,
4 22 the offices of county supervisor, county auditor, and county
4 23 sheriff shall be entered in the lot, and if none of the offices
4 24 listed in paragraph "c" were contested races, the offices
4 25 of county supervisor, county attorney, county treasurer, and
4 26 county recorder shall be entered in the lot.
4 27 e. In addition to the offices listed in this subsection
4 28 as being subject to the postelection audit, the commissioner
4 29 may choose to include any other office or public measure that
4 30 appeared on the ballot in those precincts chosen for the
4 31 postelection audit.
4 32 4. a. The precincts for which a postelection audit shall
4 33 be conducted shall be chosen by lot by the chairperson of
4 34 the county board of canvassers on the day the canvass of
4 35 the general election is conducted. After the precincts have



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5 1 been chosen, the additional office to be audited, as provided
5 2 in subsection 3, shall be chosen by lot by the chairperson.
5 3 The selection proceedings shall be open to the public and to
5 4 observers from the political parties.
5 5 b. The number of precincts chosen shall be as follows:
5 6 (1) In counties with fifty thousand or fewer registered
5 7 voters, two precincts.
5 8 (2) In counties with more than fifty thousand registered
5 9 voters up to and including one hundred thousand registered
5 10 voters, three precincts.
5 11 (3) In counties with more than one hundred thousand
5 12 registered voters, four precincts.
5 13 c. Notwithstanding paragraph "b", in counties with seven
5 14 or fewer precincts, one precinct shall be chosen for the
5 15 postelection audit.
5 16 d. The absentee and special voters precinct established
5 17 in section 53.20 shall be considered a precinct for purposes
5 18 of a postelection audit. If the absentee and special voters
5 19 precinct is chosen by lot to be audited or chosen by the
5 20 commissioner pursuant to paragraph "f", a number of ballots
5 21 equal to five percent of the absentee ballots cast in the
5 22 election shall be audited.
5 23 e. When a precinct other than the absentee and special
5 24 voters precinct is chosen in which one thousand five hundred
5 25 or more ballots were cast in the election, the chairperson
5 26 shall, for each such precinct, choose one less precinct than
5 27 the number required by paragraph "b". If such a precinct is
5 28 chosen last among the number of precincts required by paragraph
5 29 "b", then that precinct shall be audited, and the first precinct
5 30 drawn that was not the absentee and special voters precinct
5 31 shall not be audited.
5 32 f. The commissioner may choose to include in the audit
5 33 additional precincts not chosen by lot under this subsection.
5 34 g. For purposes of paragraph "b", "registered voters"
5 35 means those persons registered to vote as of the close of



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6 1 registration for the general election pursuant to section
6 2 48A.9, subsection 1.
6 3 h. The county board of canvassers shall not use a
6 4 computerized process of randomization as the method of
6 5 selecting by lot the precincts and offices to be audited.
6 6 5. The commissioner shall appoint the members of the
6 7 postelection audit board. The postelection audit board shall
6 8 be comprised of members affiliated with the political parties
6 9 as provided for election boards in section 49.12.
6 10 6. a. When all members of the postelection audit board have
6 11 been selected and the canvass is completed, the board shall
6 12 undertake the required audit. The audit shall be completed no
6 13 later than two business days following the canvass. The audit
6 14 shall be open to the public and to observers from the political
6 15 parties.
6 16 b. The ballots in each precinct chosen shall be counted
6 17 by hand. The commissioner or the commissioner's designee
6 18 shall supervise the handling of ballots, tally lists, and the
6 19 printed reports from the automatic tabulating equipment to
6 20 ensure that the ballots, tally lists, and printed reports are
6 21 protected from alteration or damage. The board shall open only
6 22 the sealed ballot containers from the precincts chosen to be
6 23 audited. The board shall recount only the ballots which were
6 24 voted and counted for the office or public measure that is the
6 25 subject of the audit. Only votes marked in accordance with the
6 26 instructions that are printed on the ballot in a precinct being
6 27 audited shall be counted in the audit.
6 28 c. Immediately following the conclusion of the audit,
6 29 the postelection audit board shall make and file with the
6 30 commissioner a written report of its findings, which report
6 31 shall be signed by the chairperson of the postelection audit
6 32 board and one other member of the board who is affiliated with
6 33 a political party different than that of the chairperson.
6 34 d. (1) If the postelection audit of an office or public
6 35 measure reveals a difference greater than one-half of one



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7 1 percent, but no fewer than two votes, from the results on
7 2 the printed report from the automatic tabulating equipment,
7 3 the postelection audit board shall, within two days, conduct
7 4 an audit of the offices or public measures for which such
7 5 difference was found in at least two additional precincts
7 6 chosen in the same manner the original precincts were chosen
7 7 and shall immediately report the results to the commissioner.
7 8 (2) If the second audit also indicates a difference in the
7 9 vote totals that is greater than one-half of one percent, but
7 10 no fewer than two votes, from the results on the printed report
7 11 from the automatic tabulating equipment, the commissioner shall
7 12 immediately notify the state commissioner of elections.
7 13 (3) The state commissioner of elections may direct the
7 14 commissioner, or any other commissioner of a county where the
7 15 office or public measure appeared on the ballot, to conduct an
7 16 additional audit of the office or public measure in a number of
7 17 precincts determined by the state commissioner.
7 18 7. All reports pertaining to a postelection audit shall be
7 19 filed with the state commissioner of elections, and the state
7 20 commissioner shall make public the results of the postelection
7 21 audit in each county as those reports are received.
7 22 8. The state commissioner of elections shall adopt rules
7 23 to implement this section including but not limited to rules
7 24 establishing criteria for the state commissioner to utilize
7 25 when evaluating the results of postelection audits.
7 26 Sec. 6. APPLICABILITY. This Act applies to the general
7 27 election held in 2012 and all subsequent general elections.
7 28 Sec. 7. EFFECTIVE DATE. This Act takes effect July 1, 2011.
7 29 EXPLANATION
7 30 This bill requires a postelection audit after each general
7 31 election. The postelection audit is a hand count of the
7 32 ballots cast in certain contested, partisan offices in selected
7 33 precincts. The precincts and offices to be audited are to be
7 34 selected publicly by lot by the county board of canvassers,
7 35 except that the office of President of the United States



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8 1 and governor are required to be audited after each general
8 2 election.
8 3 The bill provides that the number of precincts to be audited
8 4 is as follows:
8 5 (1) In counties with 50,000 or fewer registered voters, two
8 6 precincts.
8 7 (2) In counties with more than 50,000 registered voters up
8 8 to and including 100,000 registered voters, three precincts.
8 9 (3) In counties with more than 100,000 registered voters,
8 10 four precincts.
8 11 The bill provides that if the postelection audit reveals a
8 12 difference greater than one-half of 1 percent from the results
8 13 on the printed report from the automatic tabulating equipment,
8 14 the postelection audit board shall, within two days, conduct
8 15 an audit of the offices for which such difference was found in
8 16 at least two additional precincts. If the second audit also
8 17 indicates a difference in the vote totals that is greater than
8 18 one-half of 1 percent, but no fewer than two votes, from the
8 19 results on the printed report from the automatic tabulating
8 20 equipment, the commissioner shall immediately notify the state
8 21 commissioner of elections. The state commissioner may direct
8 22 the commissioner, or any other commissioner of a county where
8 23 the office appeared on the ballot, to conduct an additional
8 24 audit of the office in a number of precincts determined by the
8 25 state commissioner.
8 26 The bill provides that if a recount of an office or public
8 27 measure is requested, the postelection audit of that office or
8 28 public measure shall not be conducted or shall be terminated,
8 29 as the case may be.
8 30 The bill requires the state commissioner of elections to
8 31 make public the results of postelection audits.
8 32 The bill takes effect July 1, 2011, and applies to the
8 33 general election held in 2012 and all subsequent general
8 34 elections.

LSB 1589HH (5) 84
sc/nh



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House File 98 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

1 An Act concerning persons voluntarily excluded from gambling
2 facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1952HH (2) 84
aw/nh



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House File 98 - Introduced continued

PAG LIN

1 1 Section 1. Section 99D.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 22A. To require licensees to establish a
1 4 process by which a person who has been voluntarily excluded
1 5 for life from a racetrack enclosure and all other licensed
1 6 facilities under this chapter and chapter 99F may, after having
1 7 been excluded for at least five years, apply to revoke that
1 8 exclusion. A person shall not have their exclusion revoked
1 9 unless the application to revoke contains the written consent
1 10 of the person's spouse, if applicable. The process established
1 11 shall include a procedure that would allow any person that has
1 12 revoked their exclusion to request that the lifetime exclusion
1 13 be reinstated. A person that has reinstated a lifetime
1 14 exclusion shall not be permitted to revoke that reinstated
1 15 exclusion. The state and any licensee under this chapter or
1 16 chapter 99F shall not be liable to any person for any claim
1 17 which may arise from this process.

1 18 Sec. 2. Section 99F.4, Code 2011, is amended by adding the
1 19 following new subsection:

1 20 NEW SUBSECTION. 22A. To require licensees to establish a
1 21 process by which a person who has been voluntarily excluded for
1 22 life from an excursion gambling boat and all other licensed
1 23 facilities under this chapter and chapter 99D may, after having
1 24 been excluded for at least five years, apply to revoke that
1 25 exclusion. A person shall not have their exclusion revoked
1 26 unless the application to revoke contains the written consent
1 27 of the person's spouse, if applicable. The process established
1 28 shall include a procedure that would allow any person that has
1 29 revoked their exclusion to request that the lifetime exclusion
1 30 be reinstated. A person that has reinstated a lifetime
1 31 exclusion shall not be permitted to revoke that reinstated
1 32 exclusion. The state and any licensee under this chapter or
1 33 chapter 99D shall not be liable to any person for any claim
1 34 which may arise from this process.

1 35 EXPLANATION



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2 1 This bill creates a process by which a person voluntarily
2 2 excluded from gambling facilities may apply to revoke that
2 3 exclusion.
2 4 The bill requires that license holders under Code chapter
2 5 99D create a process to allow any individual, self=excluded
2 6 from racetrack enclosures and other facilities under Code
2 7 chapter 99D, to apply for a revocation of that exclusion
2 8 after at least five years of exclusion. The application to
2 9 revoke must, if applicable, contain the written consent of the
2 10 individual's spouse. The bill further requires that a process
2 11 will be created so that any individual who applies to revoke
2 12 their exclusion may have their exclusion reinstated. The bill
2 13 requires that once an exclusion is reinstated that it may not
2 14 be revoked at any later time. The licensee and the state of
2 15 Iowa will not be liable for any damages that may arise from
2 16 this process.
2 17 The bill also requires that license holders under Code
2 18 chapter 99F create a process to allow any individual,
2 19 self=excluded from excursion gambling boats and other
2 20 facilities under Code chapter 99F, to apply for a revocation
2 21 of that exclusion after at least five years of exclusion. The
2 22 application to revoke must, if applicable, contain the written
2 23 consent of the individual's spouse. The bill further requires
2 24 that a process will be created so that any individual who
2 25 applies to revoke their exclusion may have their exclusion
2 26 reinstated. The bill requires that once an exclusion is
2 27 reinstated that it may not be revoked at any later time. The
2 28 licensee and the state of Iowa will not be liable for any
2 29 damages that may arise from this process.

LSB 1952HH (2) 84

aw/nh



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House File 99 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act modifying the repeal date for the climate change
2 advisory council, deleting related provisions, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1634YH (2) 84
rn/nh



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PAG LIN

1 1 Section 1. Section 455B.104, subsection 4, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. REPEAL. Section 455B.851, Code 2011, is repealed.
1 4 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 5 immediate importance, takes effect upon enactment.

1 6 EXPLANATION

1 7 This bill changes the date on which Code section 455B.851,
1 8 establishing the Iowa climate change advisory council,
1 9 is repealed from the current date of July 1, 2011, to the
1 10 effective date of this bill. The bill also deletes a provision
1 11 which requires the department of natural resources to submit by
1 12 December 31 annually a report to the governor and the general
1 13 assembly regarding greenhouse gas emissions in the state during
1 14 the previous calendar year and forecasting trends in such
1 15 emissions.

1 16 The bill takes effect upon enactment, which results in an
1 17 earlier repeal date for the council than currently specified.

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House Study Bill 30

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1747HC (8) 84
je/nh



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House Study Bill 30 continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.39D Vision screening.
1 2 1. School districts and accredited nonpublic schools shall
1 3 provide vision screenings to all students in grades one and
1 4 three, all out-of-state transfer students, and any students
1 5 referred for a vision screening by a parent or the student's
1 6 teacher. Documentation of a comprehensive eye examination
1 7 performed by a licensed ophthalmologist or optometrist within
1 8 the previous twelve months shall waive the requirement of a
1 9 vision screening.
1 10 2. School personnel shall obtain or retain documentation
1 11 of screening results and provide parents with any follow-up
1 12 recommendations. The parent or guardian of a student who
1 13 demonstrates during the vision screening specific visual
1 14 problems, as identified by the department of public health,
1 15 shall cause the student to undergo a comprehensive eye
1 16 examination by a licensed ophthalmologist or licensed
1 17 optometrist. The parent or guardian of the student shall
1 18 provide the student's school district or accredited nonpublic
1 19 school with documentation of the examination within three
1 20 months. The student's school district or accredited nonpublic
1 21 school shall notify the student's parent or guardian who fails
1 22 to furnish the required follow-up documentation in writing of
1 23 the current vision screening and examination requirements set
1 24 forth in this section and shall also notify the department.
1 25 3. A student shall not be prohibited from attending school
1 26 based upon the failure of a parent or guardian to furnish
1 27 a report of the student's follow-up eye examination to the
1 28 student's school district or accredited nonpublic school.
1 29 4. Vision screening pursuant to this section shall be
1 30 conducted by an individual trained in vision screening
1 31 techniques within the previous three years. The department
1 32 shall develop rules pursuant to chapter 17A regarding training
1 33 standards. A medical professional or certified vision
1 34 screener conducting vision screenings for purposes of school
1 35 certification shall use approved techniques. Such techniques



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House Study Bill 30 continued

2 1 shall follow vision screening protocols that show high degrees
2 2 of testability and reliability, as scientifically validated
2 3 through peer review literature, and shall include appropriate
2 4 follow-up procedures.

2 5 5. The department shall adopt rules pursuant to chapter 17A
2 6 regarding the requirements of this section. The department
2 7 shall submit a report to the general assembly by January 1
2 8 each year regarding the results of vision screenings. The
2 9 first report shall be submitted by January 1, 2013, and shall
2 10 include an assessment by the department of whether a source of
2 11 financial assistance for parents would increase compliance with
2 12 referrals for eye examinations.

2 13 EXPLANATION

2 14 This bill requires school districts and accredited nonpublic
2 15 schools to provide vision screenings to students in grades
2 16 one and three, out-of-state transfer students, and parent or
2 17 teacher referrals. The bill provides for a waiver for students
2 18 who have had a previous eye examination.

2 19 The bill requires school districts and accredited nonpublic
2 20 schools to obtain or retain documentation of screening results
2 21 and provide parents with any follow-up recommendations. The
2 22 bill requires a student who does not pass the vision screening
2 23 to have a comprehensive eye examination performed by a licensed
2 24 ophthalmologist or optometrist. The bill requires the parent
2 25 or guardian of the student to provide documentation to the
2 26 student's school district or accredited nonpublic school.
2 27 The bill requires school districts and accredited nonpublic
2 28 schools to notify a parent or guardian who fails to furnish
2 29 the required follow-up documentation of the current vision
2 30 screening and examination requirements and also to notify the
2 31 department of public health.

2 32 The bill provides that a student shall not be prohibited from
2 33 attending school based upon the failure of a parent or guardian
2 34 to furnish a report of the student's screening or follow-up
2 35 eye examination to the student's school district or accredited



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House Study Bill 30 continued

3 1 nonpublic school.

3 2 The bill provides that vision screenings shall be conducted
3 3 in accordance with certain requirements. The bill directs
3 4 the department of public health to develop rules pursuant to
3 5 Code chapter 17A regarding training standards for individuals
3 6 conducting such vision screenings.

3 7 The bill directs the department of public health to develop
3 8 rules pursuant to Code chapter 17A regarding the requirements
3 9 of the bill. The bill requires the department to submit annual
3 10 reports on vision screening beginning on January 1, 2013. The
3 11 bill provides that the first such report shall include an
3 12 assessment by the department of whether a source of financial
3 13 assistance for parents would increase compliance with referrals
3 14 for eye examinations.

3 15 The bill may include a state mandate as defined in Code
3 16 section 25B.3.

LSB 1747HC (8) 84

je/nh



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House Study Bill 31

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to the duties of a landlord for the disposition
2 of a tenant's personal property following termination of the
3 tenancy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1185HC (11) 84
md/nh



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House Study Bill 31 continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. a. A landlord shall, within thirty days from the date of
1 4 termination of the tenancy and receipt of the tenant's mailing
1 5 address or delivery instructions, return the rental deposit to
1 6 the tenant or furnish to the tenant a written statement showing
1 7 the specific reason for withholding of the rental deposit or
1 8 any portion thereof. If the rental deposit or any portion
1 9 of the rental deposit is withheld for the restoration of the
1 10 dwelling unit, the statement shall specify the nature of the
1 11 damages. The landlord may withhold from the rental deposit
1 12 only such amounts as are reasonably necessary for the following
1 13 reasons:
1 14 ~~a.~~ (1) To remedy a tenant's default in the payment of rent
1 15 or of other funds due to the landlord pursuant to the rental
1 16 agreement.
1 17 ~~b.~~ (2) To restore the dwelling unit to its condition at the
1 18 commencement of the tenancy, ordinary wear and tear excepted.
1 19 ~~c.~~ (3) To recover expenses incurred in acquiring possession
1 20 of the premises from a tenant who does not act in good
1 21 faith in failing to surrender and vacate the premises upon
1 22 noncompliance with the rental agreement and notification of
1 23 such noncompliance pursuant to this chapter.
1 24 (4) To recover expenses incurred in storing the tenant's
1 25 personal property under section 562A.12A.
1 26 b. In an action concerning the rental deposit, the burden
1 27 of proving, by a preponderance of the evidence, the reason for
1 28 withholding all or any portion of the rental deposit shall be
1 29 on the landlord.
1 30 Sec. 2. NEW SECTION. 562A.12A Return of personal property
1 31 ==== notice.
1 32 1. If a tenant's personal property remains on the premises
1 33 after termination of the tenancy and the premises have been
1 34 vacated by the tenant, the landlord shall within ten days
1 35 following termination of the tenancy serve written notice on



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House Study Bill 31 continued

2 1 the tenant.
2 2 2. The notice shall do all of the following:
2 3 a. Describe the personal property in a manner reasonably
2 4 adequate to permit the owner of the property to identify it.
2 5 b. Advise the tenant that reasonable costs of storage may
2 6 be charged before the property is returned and, if applicable,
2 7 withheld from the rental deposit under section 562A.12,
2 8 subsection 3.
2 9 c. State the location where the property may be claimed
2 10 and the date before which the claim must be made. The date
2 11 specified in the notice shall be a date not fewer than seven
2 12 days and not more than fifteen days after the notice is served.
2 13 d. Contain the statement: "If you fail to reclaim the
2 14 personal property within the time indicated in this notice, it
2 15 may be sold or destroyed without further notice."
2 16 3. If the property has not been reclaimed by the owner on
2 17 or before the date specified in the notice, the landlord shall
2 18 notify the sheriff of the county where the property is located
2 19 and the sheriff may destroy the property or sell the property
2 20 at public or private sale. The net proceeds of a sale, after
2 21 deducting the cost of the sale, shall be applied to the cost
2 22 of removal and storage of the property by the sheriff, and the
2 23 remainder, if any, shall be paid to the county treasurer.
2 24 Sec. 3. APPLICABILITY. This Act applies to tenancies
2 25 terminated on or after July 1, 2011.
2 26 EXPLANATION
2 27 This bill provides that when a tenant's personal property
2 28 remains on the landlord's premises after termination of the
2 29 tenancy and the premises have been vacated by the tenant, the
2 30 landlord shall within 10 days following termination of the
2 31 tenancy serve written notice on the tenant. The notice must
2 32 describe the personal property in a manner reasonably adequate
2 33 to permit the owner of the property to identify it, advise the
2 34 tenant that reasonable costs of storage may be charged before
2 35 the property is returned and, if applicable, withheld from the



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3 1 rental deposit, and state the location where the property may
3 2 be claimed and the date before which the claim must be made.
3 3 The date specified in the notice shall be a date not fewer
3 4 than seven days and not more than 15 days after the notice is
3 5 served. The notice must also contain the statement: "If you
3 6 fail to reclaim the personal property within the time indicated
3 7 in this notice, it may be sold or destroyed without further
3 8 notice."
3 9 The bill provides that if the property has not been reclaimed
3 10 by the owner on or before the date specified in the notice,
3 11 the landlord shall notify the sheriff of the county where the
3 12 property is located and the sheriff may destroy the property or
3 13 sell the property at public or private sale. The net proceeds
3 14 of a sale, after deducting the cost of the sale, shall be
3 15 applied to the cost of removal and storage of the property by
3 16 the sheriff, and the remainder, if any, shall be paid to the
3 17 county treasurer.
3 18 The bill applies to tenancies terminated on or after July 1,
3 19 2011.
LSB 1185HC (11) 84
md/nh



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House Study Bill 32

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act establishing the categorical state percent of growth
2 for purposes of the state school foundation program and
3 including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2062YC (2) 84
md/sc



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House Study Bill 32 continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. Categorical state percent of growth. The categorical
1 4 state percent of growth for the budget year beginning July 1,
1 5 2010, is two percent. The categorical state percent of growth
1 6 for the budget year beginning July 1, 2011, is zero percent.

1 7 The categorical state percent of growth for each budget year
1 8 shall be established by statute which shall be enacted within
1 9 thirty days of the submission in the year preceding the
1 10 base year of the governor's budget under section 8.21. The
1 11 establishment of the categorical state percent of growth for a
1 12 budget year shall be the only subject matter of the bill which
1 13 enacts the categorical state percent of growth for a budget
1 14 year. The categorical state percent of growth may include
1 15 state percents of growth for the teacher salary supplement, the
1 16 professional development supplement, and the early intervention
1 17 supplement.

1 18 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 19 Act, being deemed of immediate importance, takes effect upon
1 20 enactment and is applicable for computing state aid under the
1 21 state school foundation program for the school budget year
1 22 beginning July 1, 2011.

1 23 EXPLANATION

1 24 This bill establishes a categorical state percent of growth
1 25 of 0 percent for purposes of the state school foundation
1 26 program for the school budget year beginning July 1, 2011.
1 27 The categorical state percent of growth includes the teacher
1 28 salary supplement, the professional development supplement,
1 29 and the early intervention supplement. The bill takes effect
1 30 upon enactment and is applicable for computing state aid under
1 31 the state school foundation program for the school budget year
1 32 beginning July 1, 2011.

LSB 2062YC (2) 84

md/sc



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House Study Bill 33

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to a schedule established by the environmental
2 protection commission for civil penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1397YC (7) 84
da/nh



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House Study Bill 33 continued

PAG LIN

1 1 Section 1. Section 455B.109, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 The commission shall establish, by rule, a schedule or range
1 4 of civil penalties which may be administratively assessed.
1 5 The schedule shall provide procedures and criteria for the
1 6 administrative assessment of penalties of not more than ~~ten~~
~~1 7~~ fifty thousand dollars for violations of this chapter or rules,
1 8 permits or orders adopted or issued under this chapter. In
1 9 adopting a schedule or range of penalties and in proposing or
1 10 assessing a penalty, the commission and director shall consider
1 11 among other relevant factors the following:

1 12 EXPLANATION
1 13 This bill relates to a schedule established by the
1 14 environmental protection commission for civil penalties
1 15 administratively assessable by the department of natural
1 16 resources. Currently, the environmental protection commission
1 17 is required to establish a schedule or range of civil penalties
1 18 of not more than \$10,000 which may be administratively rather
1 19 than judicially assessed. The bill increases the maximum
1 20 administratively assessed civil penalty amount from \$10,000 to
1 21 \$50,000. The administrative assessable civil penalties apply
1 22 to a number of provisions in Code chapters 455B, 459, 459A, and
1 23 459B, all providing for environmental protection.

LSB 1397YC (7) 84

da/nh



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Senate Amendment 3001

PAG LIN

1 1 Amend Senate Resolution 2 as follows:
1 2 #1. Page 30, lines 25 and 26, by striking <unless
1 3 otherwise ordered by the senate> and inserting <unless
1 4 otherwise ordered by the senate>
1 5 #2. Page 38, line 30, by striking <adjourned.> and
1 6 inserting <adjourned.>
1 7 #3. Page 39, lines 1 and 2, by striking <Unless
1 8 otherwise ordered by the senate, the president and> and
1 9 inserting <Unless otherwise ordered by the senate, the
1 10 president>
1 11 #4. Page 39, lines 5 and 6, by striking <, subject
1 12 to an appeal to the senate> and inserting <, subject
1 13 to an appeal to the senate>
1 14 #5. Page 39, lines 15 and 16, by striking <unless
1 15 otherwise ordered by the senate> and inserting <unless
1 16 otherwise ordered by the senate>

MERLIN BARTZ
SR2.139 (1) 84
rj/nh



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Senate Concurrent Resolution 3 - Introduced

PAG LIN

SENATE CONCURRENT RESOLUTION NO.

BY SORENSON, CHELGREN, BERTRAND, FEENSTRA, BOETTGER,
SEYMOUR, BARTZ, ANDERSON, BACON, HAMERLINCK, BEHN,
KETTERING, JOHNSON, KAPUCIAN, GREINER, HAHN, ZAUN,
McKINLEY, ERNST, DIX, SMITH, WHITVER, WARD, and HOUSER

1 1 A Concurrent Resolution claiming state sovereignty
1 2 under the Tenth Amendment to the Constitution of the
1 3 United States over certain mandates imposed on the
1 4 states by the federal government.
1 5 WHEREAS, the Tenth Amendment to the Constitution of
1 6 the United States reads as follows: "The powers not
1 7 delegated to the United States by the Constitution, nor
1 8 prohibited by it to the States, are reserved to the
1 9 States respectively, or to the people."; and
1 10 WHEREAS, the Tenth Amendment defines the total scope
1 11 of federal power as being that specifically granted by
1 12 the Constitution of the United States and no more; and
1 13 WHEREAS, the United States Supreme Court has ruled
1 14 that Congress may not simply commandeer the legislative
1 15 and regulatory processes of the states; and
1 16 WHEREAS, the scope of power defined by the Tenth
1 17 Amendment means that the federal government was created
1 18 by the states specifically to be an agent of the
1 19 states; and
1 20 WHEREAS, today, the states are demonstrably treated
1 21 as agents of the federal government; and
1 22 WHEREAS, many federal mandates are directly in
1 23 violation of the Tenth Amendment to the Constitution of
1 24 the United States; NOW THEREFORE,
1 25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
1 26 REPRESENTATIVES CONCURRING, That the State of Iowa
1 27 hereby claims sovereignty under the Tenth Amendment
1 28 to the Constitution of the United States over all



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Senate Concurrent Resolution 3 - Introduced continued

2 1 powers not otherwise enumerated and granted to the
2 2 federal government by the Constitution of the United
2 3 States; and
2 4 BE IT FURTHER RESOLVED, That the Iowa General
2 5 Assembly demands that the federal government, as
2 6 its agent, cease and desist, effective immediately,
2 7 enacting federal mandates that are beyond the scope of
2 8 these constitutionally delegated powers; and
2 9 BE IT FURTHER RESOLVED, That a copy of this
2 10 resolution be distributed to the President of the
2 11 United States, the President of the United States
2 12 Senate, the Speaker of the United States House
2 13 of Representatives, and each member of Iowa's
2 14 congressional delegation.

LSB 1516SS (4) 84

aw/rj



Iowa General Assembly
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Senate File 87 - Introduced

SENATE FILE
BY HAMERLINCK and BLACK

A BILL FOR

1 An Act creating criminal offenses for falsely claiming the
2 receipt of certain military medals or decorations and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1088SS (4) 84
aw/nh



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Senate File 87 - Introduced continued

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1 1 Section 1. NEW SECTION. 718B.1 Military medals or
1 2 decorations protections ==== penalties.
1 3 1. False claims about receipt of military decorations or
1 4 medals. A person shall not falsely represent, verbally or in
1 5 writing, that the person was awarded any decoration or medal
1 6 authorized by the United States Congress for the armed forces
1 7 of the United States, any of the service medals or badges
1 8 awarded to the members of such forces, the ribbon, button,
1 9 or rosette of any such badge, decoration, or medal, or any
1 10 colorable imitation of such item. A person violating this
1 11 subsection commits a serious misdemeanor.
1 12 2. Enhanced penalty for offenses involving medal of honor.
1 13 a. If a decoration or medal involved in an offense
1 14 under subsection 1 is a medal of honor, the violation is an
1 15 aggravated misdemeanor.
1 16 b. For purposes of this subsection, the term "medal of
1 17 honor" means any of the following:
1 18 (1) A medal of honor awarded under 10 U.S.C. { 3741, 6241,
1 19 or 8741 or 14 U.S.C. { 491.
1 20 (2) A duplicate medal of honor issued under 10 U.S.C. {
1 21 3754, 6256, or 8754 or 14 U.S.C. { 504.
1 22 (3) A replacement of a medal of honor provided under 10
1 23 U.S.C. { 3747, 6253, or 8747 or 14 U.S.C. { 501.
1 24 3. Enhanced penalty for offenses involving certain other
1 25 medals. If a decoration or medal involved in an offense
1 26 described in subsection 1 is a distinguished=service cross
1 27 awarded under 10 U.S.C. { 3742, a navy cross awarded under 10
1 28 U.S.C. { 6242, an air force cross awarded under 10 U.S.C. {
1 29 8742, a silver star awarded under 10 U.S.C. { 3746, 6244, or
1 30 8746, a purple heart awarded under 10 U.S.C. { 1129, or any
1 31 replacement or duplicate medal for such medal as authorized by
1 32 law, the violation is an aggravated misdemeanor.
1 33 EXPLANATION
1 34 This bill creates a criminal offense for falsely claiming
1 35 the receipt of certain military medals or decorations. Such



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Senate File 87 - Introduced continued

2 1 offense is a serious misdemeanor. Under Code chapter 903, a
2 2 serious misdemeanor shall carry a fine of at least \$315 but not
2 3 more than \$1,875. For this violation a court may also order
2 4 imprisonment of not more than one year.
2 5 The bill creates enhanced sentences if the medal
2 6 or decoration involved is the medal of honor, the
2 7 distinguished=service cross, navy cross, air force cross,
2 8 silver star, purple heart, or a replacement or duplicate
2 9 of these medals. The bill elevates these violations to an
2 10 aggravated misdemeanor. Under Code chapter 903, an aggravated
2 11 misdemeanor shall carry a fine of at least \$625 but not
2 12 more than \$6,250. For this violation a court may also order
2 13 imprisonment of not more than two years.

LSB 1088SS (4) 84

aw/nh



Iowa General Assembly
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Senate File 88 - Introduced

SENATE FILE
BY KIBBIE

A BILL FOR

1 An Act relating to tax revenues by increasing sales and use
2 tax rates, by diverting a certain amount from the revenues
3 generated from the increased rates to the natural resources
4 and outdoor recreation trust fund and by using the balance
5 of the revenues to provide a commercial property tax credit
6 and including applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1099XS (6) 84
tw/sc



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Senate File 88 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 SALES AND USE TAXES
1 3 Section 1. Section 423.2, subsection 1, unnumbered
1 4 paragraph 1, Code 2011, is amended to read as follows:
1 5 There is imposed a tax of ~~six~~ seven percent upon the sales
1 6 price of all sales of tangible personal property, consisting
1 7 of goods, wares, or merchandise, sold at retail in the state
1 8 to consumers or users except as otherwise provided in this
1 9 subchapter.
1 10 Sec. 2. Section 423.2, subsections 2 and 3, Code 2011, are
1 11 amended to read as follows:
1 12 2. A tax of ~~six~~ seven percent is imposed upon the sales
1 13 price of the sale or furnishing of gas, electricity, water,
1 14 heat, pay television service, and communication service,
1 15 including the sales price from such sales by any municipal
1 16 corporation or joint water utility furnishing gas, electricity,
1 17 water, heat, pay television service, and communication service
1 18 to the public in its proprietary capacity, except as otherwise
1 19 provided in this subchapter, when sold at retail in the state
1 20 to consumers or users.
1 21 3. A tax of ~~six~~ seven percent is imposed upon the sales
1 22 price of all sales of tickets or admissions to places of
1 23 amusement, fairs, and athletic events except those of
1 24 elementary and secondary educational institutions. A tax
1 25 of ~~six~~ seven percent is imposed on the sales price of an
1 26 entry fee or like charge imposed solely for the privilege of
1 27 participating in an activity at a place of amusement, fair, or
1 28 athletic event unless the sales price of tickets or admissions
1 29 charges for observing the same activity are taxable under this
1 30 subchapter. A tax of ~~six~~ seven percent is imposed upon that
1 31 part of private club membership fees or charges paid for the
1 32 privilege of participating in any athletic sports provided club
1 33 members.
1 34 Sec. 3. Section 423.2, subsection 4, paragraph a, Code 2011,
1 35 is amended to read as follows:



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Senate File 88 - Introduced continued

2 1 a. A tax of ~~six~~ seven percent is imposed upon the sales
2 2 price derived from the operation of all forms of amusement
2 3 devices and games of skill, games of chance, raffles, and bingo
2 4 games as defined in chapter 99B, and card game tournaments
2 5 conducted under section 99B.7B, that are operated or conducted
2 6 within the state, the tax to be collected from the operator in
2 7 the same manner as for the collection of taxes upon the sales
2 8 price of tickets or admission as provided in this section.
2 9 Nothing in this subsection shall legalize any games of skill
2 10 or chance or slot=operated devices which are now prohibited by
2 11 law.

2 12 Sec. 4. Section 423.2, subsection 5, Code 2011, is amended
2 13 to read as follows:

2 14 5. There is imposed a tax of ~~six~~ seven percent upon the
2 15 sales price from the furnishing of services as defined in
2 16 section 423.1.

2 17 Sec. 5. Section 423.2, subsection 7, paragraph a,
2 18 unnumbered paragraph 1, Code 2011, is amended to read as
2 19 follows:

2 20 A tax of ~~six~~ seven percent is imposed upon the sales
2 21 price from the sales, furnishing, or service of solid waste
2 22 collection and disposal service.

2 23 Sec. 6. Section 423.2, subsection 8, paragraph a, Code 2011,
2 24 is amended to read as follows:

2 25 a. A tax of ~~six~~ seven percent is imposed on the sales
2 26 price from sales of bundled transactions. For the purposes of
2 27 this subsection, a "bundled transaction" is the retail sale of
2 28 two or more distinct and identifiable products, except real
2 29 property and services to real property, which are sold for one
2 30 nonitemized price. A "bundled transaction" does not include
2 31 the sale of any products in which the sales price varies, or
2 32 is negotiable, based on the selection by the purchaser of the
2 33 products included in the transaction.

2 34 Sec. 7. Section 423.2, subsection 9, Code 2011, is amended
2 35 to read as follows:



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Senate File 88 - Introduced continued

3 1 9. A tax of ~~six~~ seven percent is imposed upon the sales
3 2 price from any mobile telecommunications service which this
3 3 state is allowed to tax by the provisions of the federal Mobile
3 4 Telecommunications Sourcing Act, Pub. L. No. 106=252, 4 U.S.C.
3 5 { 116 et seq. For purposes of this subsection, taxes on mobile
3 6 telecommunications service, as defined under the federal Mobile
3 7 Telecommunications Sourcing Act that are deemed to be provided
3 8 by the customer's home service provider, shall be paid to
3 9 the taxing jurisdiction whose territorial limits encompass
3 10 the customer's place of primary use, regardless of where the
3 11 mobile telecommunications service originates, terminates,
3 12 or passes through and shall in all other respects be taxed
3 13 in conformity with the federal Mobile Telecommunications
3 14 Sourcing Act. All other provisions of the federal Mobile
3 15 Telecommunications Sourcing Act are adopted by the state of
3 16 Iowa and incorporated into this subsection by reference. With
3 17 respect to mobile telecommunications service under the federal
3 18 Mobile Telecommunications Sourcing Act, the director shall, if
3 19 requested, enter into agreements consistent with the provisions
3 20 of the federal Act.

3 21 Sec. 8. Section 423.2, subsection 11, paragraph b, Code
3 22 2011, is amended to read as follows:

3 23 b. Subsequent to the deposit into the general fund of the
3 24 state ~~and after the transfer of such~~ pursuant to paragraph "a",
3 25 the department shall do the following in the order prescribed:

3 26 (1) Transfer the revenues collected under chapter 423B, the
3 27 ~~department shall transfer one-sixth of such.~~

3 28 (2) Transfer one=seventh of the remaining revenues to the
3 29 secure an advanced vision for education fund created in section
3 30 423F.2. This ~~paragraph~~ subparagraph is repealed December 31,
3 31 2029.

3 32 (3) Transfer one=seventh of the remaining revenues in the
3 33 following manner:

3 34 (a) To the natural resources and outdoor recreation
3 35 fund created pursuant to Article VII, sec. 10, of the Iowa



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4 1 Constitution, an amount equal to the amount generated by a
4 2 sales tax rate equal to three=eighths of one percent.
4 3 (b) To the commercial property tax relief fund created
4 4 pursuant to section 426C.2, the remaining revenues after
4 5 transfer of the revenues pursuant to subparagraph division (a).
4 6 (c) The amount transferred under this subparagraph (3)
4 7 shall be reduced to one=sixth of such remaining revenues on
4 8 January 1, 2030.
4 9 Sec. 9. Section 423.2, subsection 13, Code 2011, is amended
4 10 to read as follows:
4 11 13. The sales tax rate of ~~six~~ seven percent is reduced to
4 12 ~~five six~~ percent on January 1, 2030.
4 13 Sec. 10. Section 423.5, unnumbered paragraph 1, Code 2011,
4 14 is amended to read as follows:
4 15 Except as provided in subsection 3, an excise tax at the
4 16 rate of ~~six~~ seven percent of the purchase price or installed
4 17 purchase price is imposed on the following:
4 18 Sec. 11. Section 423.5, subsection 9, Code 2011, is amended
4 19 to read as follows:
4 20 9. The use tax rate of ~~six~~ seven percent is reduced to ~~five~~
4 21 ~~six~~ percent on January 1, 2030.
4 22 Sec. 12. Section 423.43, subsection 1, paragraph b, Code
4 23 2011, is amended to read as follows:
4 24 b. Subsequent to the deposit into the general fund of the
4 25 state ~~and after the transfer of such~~ pursuant to paragraph "a",
4 26 the department shall do the following in the order prescribed:
4 27 (1) ~~Transfer the revenues collected under chapter 423B, the~~
4 28 ~~department shall transfer one=sixth of such.~~
4 29 (2) ~~Transfer one=seventh of the~~ remaining revenues to the
4 30 secure an advanced vision for education fund created in section
4 31 423F.2. This ~~paragraph~~ subparagraph is repealed December 31,
4 32 2029.
4 33 (3) ~~Transfer one=seventh of the~~ remaining revenues to the
4 34 commercial property tax relief fund created pursuant to section
4 35 426C.2. The amount transferred under this subparagraph (3)



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5 1 shall be reduced to one=sixth of such remaining revenues on
5 2 January 1, 2030.

5 3 DIVISION II

5 4 COMMERCIAL PROPERTY TAX RELIEF

5 5 Sec. 13. NEW SECTION. 426C.1 Definitions.

5 6 For purposes of this chapter, unless the context otherwise
5 7 requires:

5 8 1. "Department" means the department of revenue.

5 9 2. "Eligible taxpayer" means a taxpayer meeting the
5 10 requirements of section 426C.3.

5 11 3. "Fund" means the commercial property tax relief fund
5 12 created in section 426C.2.

5 13 Sec. 14. NEW SECTION. 426C.2 Commercial property tax relief
5 14 fund.

5 15 1. A commercial property tax relief fund is created in
5 16 the state treasury. The fund shall consist of the moneys
5 17 transferred pursuant to section 423.2, subsection 11, paragraph
5 18 "b", subparagraph (3), subparagraph division (b) and section
5 19 423.43, subsection 1, paragraph "b", subparagraph (3).

5 20 2. Moneys in the fund are appropriated to the department for
5 21 purposes of providing a commercial property tax credit pursuant
5 22 to this chapter.

5 23 3. Notwithstanding section 12C.7, subsection 2, interest or
5 24 earnings on moneys in the fund shall be credited to the fund.
5 25 Notwithstanding section 8.33, moneys remaining in the fund at
5 26 the end of a fiscal year shall not revert to the general fund
5 27 of the state.

5 28 Sec. 15. NEW SECTION. 426C.3 Eligibility ==== annual claims.

5 29 1. A taxpayer who is liable for the payment of property tax
5 30 on property assessed as commercial property pursuant to section
5 31 441.21 shall be eligible for a credit toward property taxes due
5 32 in an amount not to exceed the taxpayer's annual property tax
5 33 liability.

5 34 2. The taxpayer shall annually file a claim for the credit.
5 35 The claim shall be filed not later than March 1 immediately



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6 1 preceding the fiscal year during which the property taxes are
6 2 due.
6 3 Sec. 16. NEW SECTION. 426C.4 Computation of taxes ====
6 4 certification to the department.
6 5 On or before April 1 of each year, the county auditor shall
6 6 compute the total amount of property taxes to be levied on, or
6 7 estimated to be levied on, all commercial property eligible
6 8 for a credit pursuant to this chapter, and which are due and
6 9 payable in the ensuing fiscal year, and on or before April
6 10 1 the county auditor shall certify the total amount to the
6 11 department of revenue.
6 12 Sec. 17. NEW SECTION. 426C.5 Apportionment of fund moneys
6 13 ==== issuance of warrants.
6 14 1. The moneys in the fund shall be apportioned each year to
6 15 provide a property tax credit to commercial property taxpayers
6 16 as follows:
6 17 a. If the moneys in the fund equal or exceed the combined
6 18 property tax liability of all eligible taxpayers, each eligible
6 19 taxpayer shall receive a credit in an amount equal to the
6 20 taxpayer's property tax liability.
6 21 b. If the moneys in the fund are insufficient to cover the
6 22 combined property tax liability of the eligible businesses, the
6 23 moneys in the fund shall be apportioned in a pro rata amount to
6 24 each eligible taxpayer. The department shall notify the county
6 25 auditors of the pro rata percentage on or before June 15 of
6 26 each year.
6 27 2. Upon receipt of the pro rata percentage from the director
6 28 of revenue, the county auditor shall determine the amount to be
6 29 credited to each eligible taxpayer and shall enter the amount
6 30 upon the tax lists as a credit against the tax levied on each
6 31 eligible business on which there has been made an allowance of
6 32 credit before delivering the tax lists to the county treasurer.
6 33 3. After receiving the certified amounts from the county
6 34 auditors pursuant to section 426C.4, the director of revenue
6 35 shall authorize the department of administrative services to



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7 1 issue warrants on the fund payable to the county treasurers
7 2 in the amount certified by the county auditor of each county
7 3 or the pro rata amount, as applicable. The department of
7 4 administrative services shall mail the warrants to the county
7 5 auditors on July 15 of each year.

7 6 4. The county treasurer, pursuant to section 445.5,
7 7 subsection 1, shall show on each tax statement the amount of
7 8 tax credit received by the eligible taxpayer.

7 9 Sec. 18. NEW SECTION. 426C.6 Rules.

7 10 The director of revenue shall prescribe forms and adopt
7 11 rules as necessary to carry out the purposes of this chapter.

7 12 Sec. 19. APPLICABILITY DATE. This division of this Act
7 13 applies to property taxes due and payable in fiscal years
7 14 beginning on or after July 1, 2012.

7 15 EXPLANATION

7 16 This bill increases the sales and use taxes and uses the
7 17 increased revenues to fund the natural resources and outdoor
7 18 recreation trust fund and to provide a commercial property tax
7 19 credit.

7 20 Currently, the sales and use taxes are imposed at the rate
7 21 of 6 percent. Division I of the bill amends the several
7 22 provisions imposing these taxes by increasing the rate to 7
7 23 percent.

7 24 In November 2010, Iowa voters ratified an amendment to the
7 25 Iowa Constitution. The amendment creates a natural resources
7 26 and outdoor recreation trust fund in the state treasury for
7 27 purposes of funding certain environmental and natural resource
7 28 programs and diverts an amount equal to a sales tax rate
7 29 of three-eighths of 1 percent into the fund. Moneys are
7 30 not credited to the fund until the state sales tax rate is
7 31 increased. The amendment also directs the general assembly to
7 32 provide for the implementation of the fund.

7 33 Since division I increases the state sales tax rate, the
7 34 division provides for the required transfer of moneys into
7 35 the fund. However, the division increases the sales tax rate



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8 1 by more than the amount required to be transferred, so the
8 2 division also provides for the transfer of the balance of the
8 3 revenues plus the moneys from the increased use tax into a
8 4 commercial property tax relief fund.
8 5 Division II of the bill creates the commercial property tax
8 6 relief fund and provides a tax credit for commercial property
8 7 taxpayers.
8 8 The property tax relief fund is created in the state treasury
8 9 consisting of the moneys from the increased sales and use taxes
8 10 not transferred to the natural resources and outdoor recreation
8 11 trust fund. Moneys in the fund are appropriated to the
8 12 department of revenue for purposes of providing a commercial
8 13 property tax credit. Interest and earnings on moneys in the
8 14 fund are credited to the fund, and moneys in the fund do not
8 15 revert to the general fund of the state.
8 16 The division provides that all commercial property taxpayers
8 17 are eligible for a tax credit in an amount not to exceed their
8 18 annual property tax liability and requires each taxpayer
8 19 to file a claim for credit annually by March 1 immediately
8 20 preceding the fiscal year during which the property taxes are
8 21 due.
8 22 The division provides that on or before April 1 of each
8 23 year, the county auditors must provide to the department of
8 24 revenue a report of the total amount of taxes levied or to be
8 25 levied on the taxpayers eligible for a credit. The department
8 26 determines whether there are sufficient moneys in the fund to
8 27 cover the combined tax liability of all the eligible taxpayers
8 28 and apportions the moneys accordingly. If the moneys in the
8 29 fund are sufficient, each eligible business receives an amount
8 30 equal to its tax liability. If the moneys in the fund are not
8 31 sufficient, each eligible taxpayer receives a pro rata share of
8 32 the moneys in the fund.
8 33 The division directs the director of revenue to authorize
8 34 the department of administrative services to issue warrants
8 35 on the fund payable to the county treasurers in the amount



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9 1 certified as the amount of credits to which businesses in that
9 2 county are entitled. The county auditor determines the amount
9 3 to be credited to each eligible taxpayer. The county treasurer
9 4 must show on the tax statement the amount of tax credit for the
9 5 eligible taxpayer.

9 6 Division II of the bill applies to property taxes due and
9 7 payable in fiscal years beginning on or after July 1, 2012.

LSB 1099XS (6) 84

tw/sc



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Senate File 89 - Introduced

SENATE FILE

BY FEENSTRA, JOHNSON,
BARTZ, KAPUCIAN,
BACON, SEYMOUR,
BOETTGER, ANDERSON,
SMITH, and GREINER

A BILL FOR

1 An Act providing an individual income tax credit for certain
2 supplies purchased by a teacher and including retroactive
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1708XS (3) 84

tw/sc



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1 1 Section 1. NEW SECTION. 422.11Y Teacher expense credit.
1 2 1. The taxes imposed under this division, less the credits
1 3 allowed under section 422.12, shall be reduced by a teacher
1 4 expense credit equal to the first two hundred fifty dollars
1 5 of the cost incurred to purchase supplies by the taxpayer to
1 6 assist the taxpayer in teaching at an elementary or secondary
1 7 school situated in Iowa, which school is accredited under
1 8 section 256.11. To qualify for the credit, the costs must be
1 9 nonreimbursable from any source. If the cost incurred has been
1 10 deducted in computing federal adjusted gross income, the amount
1 11 of such deduction shall be added in determining net income
1 12 under section 422.7. Any credit in excess of the tax liability
1 13 is nonrefundable.

1 14 2. As used in this section, "supplies" includes but is
1 15 not limited to paper supplies, bulletin boards, books, maps,
1 16 charts, computer software but not hardware, and other items
1 17 directly used by the taxpayer as a teacher. The cost incurred
1 18 to purchase supplies for which a tax credit may be received
1 19 under this section shall not be used by a school district to
1 20 supplement its costs of instructional materials.

1 21 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 22 retroactively to January 1, 2011, for tax years beginning on
1 23 or after that date.

1 24 EXPLANATION

1 25 This bill provides an income tax credit of up to \$250 for
1 26 teachers that incur expenses for supplies directly used by
1 27 them in teaching at accredited elementary or secondary schools
1 28 in Iowa. To qualify, the expenses must be nonreimbursable
1 29 from any source. If the expenses were deducted in computing
1 30 federal adjusted gross income, the deduction shall be added
1 31 in determining Iowa net income. These supplies include paper
1 32 supplies, bulletin boards, books, maps, charts, computer
1 33 software but not hardware, and other similar items directly
1 34 used by the taxpayer as a teacher. The cost incurred to
1 35 purchase supplies for which a tax credit may be received under



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2 1 this Code section shall not be used by a school district to
2 2 supplement its costs of instructional materials.
2 3 The bill applies retroactively to January 1, 2011, for tax
2 4 years beginning on or after that date.
LSB 1708XS (3) 84
tw/sc



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Senate File 90 - Introduced

SENATE FILE

BY ZAUN, HAHN, BEHN,
McKINLEY, BOETTGER,
BACON, GREINER,
HAMERLINCK, KAPUCIAN,
WARD, CHELGREN,
SEYMOUR, BERTRAND,
ANDERSON, ERNST,
FEENSTRA, KETTERING,
and WHITVER

A BILL FOR

1 An Act requiring drug testing for persons applying for or
2 receiving state assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1707XS (3) 84
je/rj



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1 1 Section 1. NEW SECTION. 77.1 State assistance ==== drug
1 2 testing requirement.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Department" means the applicable state department,
1 6 institution, or agency providing state aid.
1 7 b. "Drug" means the same as defined in section 730.5.
1 8 c. "State aid" means any form of financial benefit, aid,
1 9 or assistance provided to a person by a state department,
1 10 institution, or agency.
1 11 2. As a condition of eligibility for an applicant or
1 12 participant to receive state aid, the applicant or participant
1 13 shall, if not otherwise prohibited by law, agree to participate
1 14 in drug testing in accordance with this section.
1 15 3. The department shall implement a program of drug testing
1 16 of persons subject to subsection 2. The program shall include
1 17 but is not limited to all of the following:
1 18 a. Random drug testing of existing participants.
1 19 b. Drug testing of all applicants.
1 20 c. Drug testing shall include confirmation of any
1 21 initial positive test results. Any confirmatory test shall
1 22 be performed using a chromatographic technique such as gas
1 23 chromatography/mass spectrometry or another comparably reliable
1 24 analytical method.
1 25 4. An applicant or participant subject to the provisions
1 26 of subsection 2 who has a confirmed positive test result for
1 27 a drug that was not lawfully prescribed for the person, shall
1 28 be ineligible for state aid. The period of ineligibility
1 29 applicable to a person shall continue until the person has a
1 30 negative test result for the drug for which the person had a
1 31 confirmed positive test result.
1 32 5. A person's positive test result obtained under this
1 33 section shall not be used as evidence in any criminal action
1 34 involving the person.
1 35 6. The applicable department shall adopt rules to



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2 1 administer this section. The rules shall include but are not
2 2 limited to all of the following:
2 3 a. Testing procedures to ensure collection of test samples
2 4 is performed under sanitary conditions, with regard for the
2 5 privacy of the person providing the sample, and in a manner
2 6 reasonably calculated to preclude contamination or substitution
2 7 of the sample. Test samples shall be split at the time of
2 8 collection to permit confirmatory tests of the sample. The
2 9 department shall establish standards for analysis of samples
2 10 and for determining test results to be positive.
2 11 b. Labeling and other documentation of test sample
2 12 collections so as to reasonably preclude the possibility of
2 13 misidentification of the person tested in relation to the test
2 14 result provided, and requirement for samples to be handled and
2 15 tracked in a manner such that control and accountability are
2 16 maintained from initial collection to each stage in handling,
2 17 testing, and storage, through final disposition.
2 18 c. A person being tested shall be given an opportunity
2 19 to provide any information which may be considered relevant
2 20 to the test, including identification of prescription or
2 21 nonprescription drugs currently or recently used, or other
2 22 relevant medical information. To assist a person in providing
2 23 the information described in this paragraph, the department
2 24 shall provide the person with a list of the drugs for which the
2 25 person is tested.
2 26 d. A medical review officer shall review and interpret any
2 27 confirmed positive test results, including both quantitative
2 28 and qualitative test results, to ensure that the chain of
2 29 custody is complete and sufficient on its face and that any
2 30 information provided by the person pursuant to paragraph "c" is
2 31 considered.
2 32 e. A procedure to provide written notification to a person
2 33 of the results of a confirmed positive drug test by certified
2 34 mail or other verifiable means. The notification shall include
2 35 the person's right to request and obtain a second confirmatory



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3 1 test at an approved laboratory of the person's choice. If the
3 2 results of the second test do not confirm the results of the
3 3 initial confirmatory test, the initial confirmatory test shall
3 4 not be considered a confirmed positive drug test.
3 5 f. The department shall prohibit a laboratory or other
3 6 medical facility reporting information to anyone other than the
3 7 department or the tested person relating to the results of a
3 8 drug test conducted pursuant to this section.
3 9 g. A procedure to address incidents of false positive tests.
3 10 h. A procedure to ensure the confidentiality of test
3 11 results, including but not limited to specifying those with
3 12 access to test result information.
3 13 i. Other procedures to administer this section in a fair and
3 14 reliable manner.

3 15 EXPLANATION

3 16 This bill establishes a requirement that individuals
3 17 applying and receiving state aid participate in drug testing if
3 18 such drug testing is not otherwise prohibited by law.

3 19 The bill defines the term "drug" as having the same
3 20 meaning as the definition in Code section 730.5, relating to
3 21 private=sector drug=free workplaces, which is any drug on
3 22 schedules I through V of the federal Controlled Substances
3 23 Act. "State aid" is defined as any form of financial benefit,
3 24 aid, or assistance provided to a person by a state department,
3 25 institution, or agency.

3 26 Each applicable state department, institution, or agency
3 27 providing state aid shall implement a drug testing program
3 28 for the persons subject to the eligibility requirement. The
3 29 program is to include random drug testing of participants
3 30 and drug testing of all applicants. Drug testing includes
3 31 confirmation of any positive result with a chromatographic/mass
3 32 spectrometry technique or comparable method.

3 33 If an applicant or participant subject to the bill's
3 34 requirements has a confirmed positive test result for a drug
3 35 that was not lawfully prescribed for the person, the applicant



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4 1 or participant is ineligible for state aid. The period of
4 2 ineligibility continues until the person has a negative test
4 3 result for the drug for which the person had a confirmed
4 4 positive test result.
4 5 The bill prohibits a person's positive test result obtained
4 6 under the bill's provisions from being used as evidence in any
4 7 criminal action involving the person.
4 8 The department is directed to adopt rules to administer the
4 9 provisions of the bill. The rules are to address collection,
4 10 labeling, and other documentation of test samples, notification
4 11 concerning test results, interpretation of test results,
4 12 prohibition against laboratory disclosure of test results,
4 13 other confidentiality provisions, procedure to address
4 14 incidents of false positive tests, and other procedures for
4 15 fairness and reliability.

LSB 1707XS (3) 84

je/rj



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Senate File 91 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act relating to the licensing of midwives and providing
2 for a fee and a penalty, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1845XS (1) 84
jr/nh



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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:
1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, respiratory care
1 10 practitioner, practitioner of cosmetology arts and sciences,
1 11 practitioner of barbering, funeral director, dietitian, marital
1 12 and family therapist, mental health counselor, social worker,
1 13 massage therapist, midwife, athletic trainer, acupuncturist,
1 14 nursing home administrator, hearing aid dispenser, or sign
1 15 language interpreter or transliterator means a person licensed
1 16 under this subtitle.
1 17 6. "Profession" means medicine and surgery, podiatry,
1 18 osteopathic medicine and surgery, practice as a physician
1 19 assistant, psychology, chiropractic, nursing, dentistry,
1 20 dental hygiene, dental assisting, optometry, speech pathology,
1 21 audiology, pharmacy, physical therapy, physical therapist
1 22 assisting, occupational therapy, occupational therapy
1 23 assisting, respiratory care, cosmetology arts and sciences,
1 24 barbering, mortuary science, marital and family therapy,
1 25 mental health counseling, social work, dietetics, massage
1 26 therapy, midwifery, athletic training, acupuncture, nursing
1 27 home administration, hearing aid dispensing, or sign language
1 28 interpreting or transliterating.
1 29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 30 to read as follows:
1 31 1. A person shall not engage in the practice of medicine
1 32 and surgery, podiatry, osteopathic medicine and surgery,
1 33 psychology, chiropractic, physical therapy, physical therapist
1 34 assisting, nursing, dentistry, dental hygiene, dental
1 35 assisting, optometry, speech pathology, audiology, occupational



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2 1 therapy, occupational therapy assisting, respiratory care,
2 2 pharmacy, cosmetology arts and sciences, barbering, social
2 3 work, dietetics, marital and family therapy or mental health
2 4 counseling, massage therapy, midwifery, mortuary science,
2 5 athletic training, acupuncture, nursing home administration,
2 6 hearing aid dispensing, or sign language interpreting
2 7 or transliterating, or shall not practice as a physician
2 8 assistant, unless the person has obtained a license for that
2 9 purpose from the board for the profession.
2 10 Sec. 3. Section 147.13, Code 2011, is amended by adding the
2 11 following new subsection:
2 12 NEW SUBSECTION. 24. For midwifery, the board of midwifery.
2 13 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
2 14 by adding the following new paragraph:
2 15 NEW PARAGRAPH. x. For midwifery, a total of seven members,
2 16 three members who are licensed midwives under chapter 148F;
2 17 one member who is licensed under chapter 148, is a practicing
2 18 family physician, and has professional experience consulting
2 19 for and collaborating with direct=entry midwives; one member
2 20 who is an advanced registered nurse practitioner licensed under
2 21 chapter 152, is a certified nurse midwife, and has professional
2 22 experience consulting for and collaborating with direct=entry
2 23 midwives; and two members who are not licensed midwives or
2 24 licensed health care providers who have received direct=entry
2 25 midwifery services and who shall represent the general public.
2 26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
2 27 following new subsection:
2 28 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F
2 29 may use the words "licensed midwife" or the initials "L.M."
2 30 after the person's name.
2 31 Sec. 6. NEW SECTION. 148F.1 Definitions.
2 32 As used in this chapter, unless the context otherwise
2 33 requires:
2 34 1. "Board" means the board of midwifery.
2 35 2. "Licensed midwife" means a person who is licensed to



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3 1 practice midwifery as provided in this chapter.
3 2 3. "Out-of-hospital" means any facility, institution, or
3 3 place which is not an ambulatory surgical center or a hospital,
3 4 such as a birth center as defined in section 135.61 or a
3 5 private home.
3 6 4. "Practice of midwifery" means the provision of primary
3 7 maternity care during the antepartum, intrapartum, and
3 8 postpartum periods by a person who is neither licensed to
3 9 practice under chapter 148, nor a nurse recognized by the Iowa
3 10 board of nursing as an advanced registered nurse practitioner
3 11 who is a certified nurse midwife, and who is not rendering
3 12 emergency services without compensation. "Practice of
3 13 midwifery" may also include the carrying and administration
3 14 of certain medications during the practice of midwifery,
3 15 including oxytocin, as a postpartum antihemorrhagic agent,
3 16 oxygen, intravenous fluids for stabilization, vitamin K, eye
3 17 prophylactics, and other drugs or procedures as appropriate for
3 18 the scope of practice for licensed midwives as determined by
3 19 the board.
3 20 Sec. 7. NEW SECTION. 148F.2 Licensure === licensed
3 21 midwifery.
3 22 Beginning July 1, 2012, every person practicing midwifery
3 23 in this state shall be licensed pursuant to this chapter. The
3 24 board shall adopt rules pursuant to chapters 17A, 147, and 272C
3 25 establishing procedures for the licensing of new and practicing
3 26 midwives. Prior to obtaining licensure, an applicant shall
3 27 successfully pass an examination prescribed and approved by
3 28 the board as determined in rule demonstrating competencies
3 29 in at least all of the following areas: risk assessment
3 30 and management; prenatal care; management of normal labor,
3 31 birth, and postpartum; newborn care up to six weeks; and adult
3 32 cardiopulmonary resuscitation and newborn resuscitation.
3 33 Sec. 8. NEW SECTION. 148F.3 Use of title == penalty.
3 34 A person shall not use the title licensed midwife, describe
3 35 or imply that the person is a licensed midwife, or represent



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4 1 the person as a licensed midwife unless the person is granted a
4 2 license under this chapter or is licensed as a nurse=midwife
4 3 under chapter 152.
4 4 Sec. 9. NEW SECTION. 148F.4 Rules.
4 5 1. The board shall:
4 6 a. Adopt rules relating to standards for professional
4 7 conduct of persons licensed under this chapter.
4 8 b. Adopt rules consistent with this chapter and with
4 9 chapters 147 and 272C which are necessary for the performance
4 10 of its duties.
4 11 c. Act on matters concerning licensure and the processes
4 12 of applying for, granting, suspending, imposing supervisory
4 13 or probationary conditions upon, reinstating, and revoking a
4 14 license.
4 15 d. Administer the provisions of this chapter requiring
4 16 documentation required to demonstrate competence as a midwife,
4 17 and the processing of applications for licenses and license
4 18 renewal.
4 19 e. Develop continuing education requirements as a condition
4 20 of license renewal.
4 21 f. Evaluate requirements for licensure in other states to
4 22 determine if reciprocity may be granted.
4 23 g. Establish and collect licensure fees as provided in
4 24 section 147.80 and retain fees as provided in section 147.82.
4 25 h. Adopt guidelines encouraging the development
4 26 of collaborative relationships with other health care
4 27 practitioners who can provide care outside of the scope of the
4 28 practice of midwifery when necessary.
4 29 i. Establish procedures for the issuance, renewal, and
4 30 revocation or suspension of a license under this chapter.
4 31 j. Maintain a registry of licensed midwives and statistics
4 32 on the practice of midwifery utilizing vital statistics data.
4 33 2. In establishing rules, the board shall consult with
4 34 persons knowledgeable regarding the prenatal and postpartum
4 35 birth process, particularly those possessing experience with



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5 1 out-of-hospital births, including but not limited to persons
5 2 licensed under chapter 148, certified professional midwives,
5 3 advanced registered nurse practitioners who are certified nurse
5 4 midwives, and women who have given birth in an out-of-hospital
5 5 setting.

5 6 3. Rules relating to the practice of midwifery shall
5 7 not be inconsistent with the North American registry of
5 8 midwives' current job description for the profession and the
5 9 standards of practice of midwifery established by the national
5 10 association of certified professional midwives or a successor
5 11 organization, and shall not expand the scope of practice of
5 12 midwifery established by the national association of certified
5 13 professional midwives or a successor organization.

5 14 Sec. 10. NEW SECTION. 148F.5 Client disclosure.

5 15 Prior to accepting a patient for midwifery care, a licensed
5 16 midwife shall provide information indicating all of the
5 17 following:

5 18 1. Evidence that the care provider is a licensed midwife
5 19 meeting the requirements of this chapter.

5 20 2. Whether the licensed midwife has malpractice liability
5 21 insurance coverage and the policy limits of such coverage.

5 22 3. The midwife's educational background and relevant
5 23 experience, including experience in various birth settings.

5 24 4. The nature, scope, and location of the care to be
5 25 given, including the possibility of and the guidelines for
5 26 consultation, referral, or transfer of the patient to a
5 27 hospital from an out-of-hospital setting.

5 28 Sec. 11. NEW SECTION. 148F.6 Exceptions.

5 29 1. This chapter does not prevent qualified members of other
5 30 professions including but not limited to individuals licensed
5 31 under chapter 148 or 152 from providing services consistent
5 32 with the nature of the practice of midwifery.

5 33 2. This chapter does not prevent or prohibit a student
5 34 midwife from performing tasks related to the practice of
5 35 midwifery under the supervision of a licensed midwife, a



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6 1 certified nurse midwife, or a licensed physician during
6 2 completion of the licensure process.

6 3 3. The practice of midwifery in this state prior to July
6 4 1, 2011, shall not constitute grounds for disciplinary action
6 5 by the board. The board may issue a license to a person who
6 6 has practiced midwifery in this state upon application and
6 7 compliance with the provisions of this chapter and the rules
6 8 adopted pursuant to this chapter.

6 9 Sec. 12. NEW SECTION. 148F.7 Prohibited practice.

6 10 A person shall not practice midwifery, or represent that the
6 11 person is a midwife, unless the person is licensed as provided
6 12 in this chapter.

6 13 Sec. 13. NEW SECTION. 148F.8 Requirements for licensure ==
6 14 temporary license.

6 15 Beginning July 1, 2012, an individual who does not meet the
6 16 requirements for licensure by examination pursuant to section
6 17 148F.2 may apply for a one=year temporary license as determined
6 18 by the board in rules. Renewal of the temporary license shall
6 19 be determined by the board. The board may revoke a temporary
6 20 license if it determines that the temporary licensee has
6 21 violated standards established by rule.

6 22 Sec. 14. Section 272C.1, subsection 6, Code 2011, is amended
6 23 by adding the following new paragraph:

6 24 NEW PARAGRAPH. ag. The board of midwifery, created pursuant
6 25 to chapter 147.

6 26 Sec. 15. Section 272C.4, subsection 6, Code 2011, is amended
6 27 to read as follows:

6 28 6. Define by rule acts or omissions that are grounds for
6 29 revocation or suspension of a license under section 100D.5,
6 30 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,
6 31 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
6 32 or 602.3203 or chapter 151 or 155, as applicable, and to define
6 33 by rule acts or omissions that constitute negligence, careless
6 34 acts, or omissions within the meaning of section 272C.3,
6 35 subsection 2, paragraph "b", which licensees are required to



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7 1 report to the board pursuant to section 272C.9, subsection 2.

7 2 Sec. 16. INITIAL APPOINTMENTS.

7 3 1. Notwithstanding any provision to the contrary in this
7 4 Act, initial professional appointees to the board of midwifery
7 5 shall fulfill the national certification requirements of the
7 6 North American registry of midwives.

7 7 2. One of the initial professional appointments to the
7 8 board shall be appointed for a one=year term, one member shall
7 9 be appointed for a two=year term, and one member shall be
7 10 appointed for a three=year term. The members who are licensed
7 11 under chapter 148 or 152 shall each be appointed for a two=year
7 12 term, and the members representing the general public shall
7 13 each be appointed to a three=year term.

7 14 Sec. 17. EFFECTIVE DATE. The sections of this Act amending
7 15 section 147.2, subsection 1, and enacting section 148F.8 take
7 16 effect July 1, 2012.

7 17	EXPLANATION
------	-------------

7 18 This bill creates new Code chapter 148F that provides for
7 19 the licensure of midwives beginning July 1, 2012. A midwife
7 20 is not an allopathic or osteopathic physician licensed under
7 21 Code chapter 148 or a nurse licensed under Code chapter
7 22 152 providing primary maternity care during the antepartum,
7 23 intrapartum, and postpartum periods.

7 24 The bill provides for the establishment of a seven-member
7 25 board of midwifery consisting of three members who are
7 26 midwives, one physician, one nurse, and two members who
7 27 represent the general public. The bill provides for fees to
7 28 fund the board and provides penalties for violation of the
7 29 practice requirement; those penalties are set out for all
7 30 health-related boards in Code chapters 147 and 272C. Code
7 31 section 147.86 provides that it is a serious misdemeanor to
7 32 violate a provision of the licensing laws.

7 33 The board is similar in composition and responsibilities to
7 34 other health-related licensing boards.

7 35 The provisions of the bill amending Code section 147.2 and



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8 1 enacting Code section 148F.8, both prohibiting the practice of
8 2 midwifery without a license, take effect July 1, 2012.

LSB 1845XS (1) 84

jr/nh



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Senate File 92 - Introduced

SENATE FILE
BY BOLKCOM, DANIELSON,
and DVORSKY

A BILL FOR

1 An Act increasing punitive damages that may be awarded for
2 wrongful retention of certain rental deposits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1996XS (6) 84
md/sc



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Senate File 92 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2011, is
1 2 amended to read as follows:

1 3 7. The ~~bad faith~~ wrongful retention of a deposit by a
1 4 landlord, or any portion of the rental deposit, in violation
1 5 of this section shall subject the landlord to punitive damages
1 6 ~~not to exceed two~~ equal to double the amount of the deposit or
1 7 ~~the portion of the deposit wrongfully retained or five hundred~~

1 8 dollars, whichever is more, in addition to actual damages.

1 9 Sec. 2. Section 562B.13, subsection 8, Code 2011, is amended
1 10 to read as follows:

1 11 8. The ~~bad faith~~ wrongful retention of a deposit by a
1 12 landlord, or any portion of the rental deposit, in violation
1 13 of this section shall subject the landlord to punitive damages
1 14 ~~not to exceed two~~ equal to double the amount of the deposit or
1 15 ~~the portion of the deposit wrongfully retained or five hundred~~

1 16 dollars, whichever is more, in addition to actual damages.

1 17 EXPLANATION

1 18 This bill increases the amount of punitive damages that can
1 19 be awarded when a landlord wrongfully retains a rental deposit
1 20 or a portion of a rental deposit made to secure performance of
1 21 a residential rental agreement under Code section 562A.12 or a
1 22 mobile home space rental agreement under Code section 562B.13.

1 23 The bill requires that a landlord who violates these
1 24 provisions shall be subject to punitive damages equal to double
1 25 the amount of the deposit or portion of the deposit that is
1 26 wrongfully retained or \$500, whichever is more, in addition to
1 27 actual damages.

1 28 Currently, a violation of these sections cannot subject a
1 29 landlord to punitive damages in excess of \$200.



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Senate File 93 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1011)

A BILL FOR

1 An Act enhancing the penalty for certain domestic abuse assault
2 cases and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1267SV (1) 84
jm/rj



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Senate File 93 - Introduced continued

PAG LIN

1 1 Section 1. Section 236.12, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraphs:
1 3 NEW PARAGRAPH. e. Except as otherwise provided in
1 4 subsection 3, a peace officer shall, with or without a warrant,
1 5 arrest a person under section 708.2A, subsection 2, paragraph
1 6 "d", if, upon investigation, including a reasonable inquiry of
1 7 the alleged victim and other witnesses, if any, the officer has
1 8 probable cause to believe that a domestic abuse assault has
1 9 been committed by knowingly impeding the normal breathing or
1 10 circulation of the blood of another by applying pressure to the
1 11 throat or neck of the other person or by obstructing the nose
1 12 or mouth of the other person.
1 13 NEW PARAGRAPH. f. Except as otherwise provided in
1 14 subsection 3, a peace officer shall, with or without a warrant,
1 15 arrest a person under section 708.2A, subsection 4A, if,
1 16 upon investigation, including a reasonable inquiry of the
1 17 alleged victim and other witnesses, if any, the officer has
1 18 probable cause to believe that a domestic abuse assault has
1 19 been committed by knowingly impeding the normal breathing or
1 20 circulation of the blood of another by applying pressure to the
1 21 throat or neck of the other person or by obstructing the nose
1 22 or mouth of the other person, and causing bodily injury.
1 23 Sec. 2. Section 236.12, subsection 3, Code 2011, is amended
1 24 to read as follows:
1 25 3. As described in subsection 2, paragraph "b", "c", ~~or~~
1 26 "d", "e", or "f", the peace officer shall arrest the person
1 27 whom the peace officer believes to be the primary physical
1 28 aggressor. The duty of the officer to arrest extends only
1 29 to those persons involved who are believed to have committed
1 30 an assault. Persons acting with justification, as defined
1 31 in section 704.3, are not subject to mandatory arrest. In
1 32 identifying the primary physical aggressor, a peace officer
1 33 shall consider the need to protect victims of domestic abuse,
1 34 the relative degree of injury or fear inflicted on the persons
1 35 involved, and any history of domestic abuse between the persons



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2 1 involved. A peace officer's identification of the primary
2 2 physical aggressor shall not be based on the consent of the
2 3 victim to any subsequent prosecution or on the relationship of
2 4 the persons involved in the incident, and shall not be based
2 5 solely upon the absence of visible indications of injury or
2 6 impairment.

2 7 Sec. 3. Section 702.11, subsection 2, Code 2011, is amended
2 8 by adding the following new paragraph:

2 9 NEW PARAGRAPH. g. Domestic abuse assault in violation of
2 10 section 708.2A, subsection 4A.

2 11 Sec. 4. Section 708.2A, subsection 2, Code 2011, is amended
2 12 by adding the following new paragraph:

2 13 NEW PARAGRAPH. d. An aggravated misdemeanor, if the
2 14 domestic abuse assault is committed by knowingly impeding the
2 15 normal breathing or circulation of the blood of another by
2 16 applying pressure to the throat or neck of the other person or
2 17 by obstructing the nose or mouth of the other person.

2 18 Sec. 5. Section 708.2A, Code 2011, is amended by adding the
2 19 following new subsection:

2 20 NEW SUBSECTION. 4A. For a domestic abuse assault committed
2 21 by knowingly impeding the normal breathing or circulation of
2 22 the blood of another by applying pressure to the throat or neck
2 23 of the other person or by obstructing the nose or mouth of the
2 24 other person, and causing bodily injury, the person commits a
2 25 class "D" felony.

2 26 EXPLANATION

2 27 This bill enhances the penalty for certain domestic abuse
2 28 assault cases.

2 29 The bill provides that a person commits an aggravated
2 30 misdemeanor if the person commits domestic abuse assault by
2 31 knowingly impeding the normal breathing or circulation of the
2 32 blood of another by applying pressure to the throat or neck of
2 33 the other person, or by obstructing the nose or mouth of the
2 34 other person. If such a domestic abuse assault causes bodily
2 35 injury the person commits a class "D" felony.



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Senate File 93 - Introduced continued

3 1 The bill also provides that a peace officer shall arrest
3 2 the person performing acts which violate the bill and whom the
3 3 peace officer believes to be the primary physical aggressor
3 4 just as in other domestic abuse assault situations.
3 5 The offense classified as a class "D" felony under the
3 6 bill is exempted from the definition of a forcible felony.
3 7 An offense exempted from the definition of a forcible felony
3 8 allows a person convicted of such an offense to be eligible for
3 9 a suspended or deferred sentence, or a deferred judgment.
3 10 An aggravated misdemeanor is punishable by confinement for
3 11 no more than two years and a fine of at least \$625 but not more
3 12 than \$6,250.
3 13 A class "D" felony is punishable by confinement for no more
3 14 than five years and a fine of at least \$750 but not more than
3 15 \$7,500.

LSB 1267SV (1) 84

jm/rj



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Senate File 94 - Introduced

SENATE FILE

BY SORENSON, CHELGREN,
BERTRAND, FEENSTRA,
BOETTGER, SEYMOUR,
ANDERSON, BACON,
HAMERLINCK, BEHN,
KETTERING, JOHNSON,
KAPUCIAN, GREINER,
HAHN, ZAUN, MCKINLEY,
ERNST, SMITH, WHITVER,
WARD, HOUSER, DIX, and
BARTZ

A BILL FOR

- 1 An Act establishing the right to choose health care.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1515SS (3) 84
av/sc



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Senate File 94 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 1.19 Right to choose health care.
1 2 No law shall restrict a person's natural right and power to
1 3 secure the blessings of liberty to choose private health care
1 4 systems or private health care plans. No law shall interfere
1 5 with the right of a person or entity to pay for lawful medical
1 6 services to preserve life or health, and no law shall impose
1 7 a penalty, tax, fee, or fine, of any type, for declining or
1 8 failing to contract for health care coverage or for declining
1 9 or failing to participate in any particular health care
1 10 system or plan, except as required by a court of law where
1 11 an individual or entity is a named party in a legal dispute.
1 12 Nothing in this section shall be construed to expand, limit,
1 13 or otherwise modify any determination of law regarding what
1 14 constitutes lawful medical services within the state of Iowa.

1 15 EXPLANATION

1 16 This bill establishes that no law shall restrict a person's
1 17 right to choose private health care systems or private
1 18 health care plans. In addition, no law shall interfere with
1 19 the right of a person or entity to pay for lawful medical
1 20 services, or impose any type of penalty, tax, fee, or fine on
1 21 a person who declines or fails to contract for health care
1 22 coverage or declines or fails to participate in any particular
1 23 health care system or plan. The provisions of the bill shall
1 24 not be construed to expand, limit, or otherwise modify any
1 25 determination of what constitutes lawful medical services in
1 26 the state.

LSB 1515SS (3) 84

av/sc



Iowa General Assembly
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Senate File 95 - Introduced

SENATE FILE
BY HATCH

A BILL FOR

1 An Act relating to coverage of religious or spiritually
2 based health or medical care and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1545XS (2) 84
av/nh



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Senate File 95 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.29 Coverage of religious or
1 2 spiritually based health care.

1 3 1. Notwithstanding the uniformity of treatment requirements
1 4 of section 514C.6, a policy or contract, or plan established
1 5 pursuant to chapter 509A, providing for third=party payment or
1 6 prepayment of health or medical expenses shall not discriminate
1 7 in approving or covering a health or medical care service on
1 8 the basis of its religious or spiritual content if expenditures
1 9 for such a health or medical care service are eligible for
1 10 deduction as a health or medical care expense as determined by
1 11 internal revenue service rulings interpreting section 213(d) of
1 12 the Internal Revenue Code of 1986 in effect on January 1, 2011.

1 13 2. This section shall not apply to accident=only,
1 14 specified disease, short=term hospital or medical, hospital
1 15 confinement indemnity, credit, dental, vision, Medicare
1 16 supplement, long=term care, basic hospital and medical=surgical
1 17 expense coverage as defined by the commissioner, disability
1 18 income insurance coverage, coverage issued as a supplement
1 19 to liability insurance, workers' compensation or similar
1 20 insurance, or automobile medical payment insurance.

1 21 Sec. 2. APPLICABILITY. This Act applies to a third=party
1 22 payment provider policy or contract, or plan established
1 23 pursuant to chapter 509A, that is delivered, issued for
1 24 delivery, continued, or renewed in this state on or after
1 25 January 1, 2012.

1 26 EXPLANATION

1 27 This bill creates new Code section 514C.29 which prohibits
1 28 any policies, contracts, or plans providing for third=party
1 29 payment or prepayment of health or medical care expenses from
1 30 discriminating in approving or covering a health or medical
1 31 care service on the basis of its religious or spiritual
1 32 content if the service is eligible for deduction as a health or
1 33 medical care expense as determined by rulings of the internal
1 34 revenue service interpreting section 213(d) of the Internal
1 35 Revenue Code of 1986 in effect on January 1, 2011. The bill is



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Senate File 95 - Introduced continued

2 1 applicable to policies, contracts, or plans delivered, issued
2 2 for delivery, continued, or renewed in this state on or after
2 3 January 1, 2012.
2 4 The bill is not applicable to certain specified types of
2 5 insurance coverage.
LSB 1545XS (2) 84
av/nh



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Senate Joint Resolution 7 - Introduced

SENATE JOINT RESOLUTION

BY BEHN, MCKINLEY,
SEYMOUR, CHELGREN,
KAPUCIAN, JOHNSON,
BARTZ, HAMERLINCK,
GREINER, SMITH, BACON,
FEENSTRA, ZAUN, and
WHITVER

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the appointment of nominees
3 to the supreme court by the governor.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1536XS (7) 84
jm/rj



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Senate Joint Resolution 7 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Section 15 of Article V of the Constitution of the State of
1 4 Iowa, as added by the Amendment of 1962, is amended to read as
1 5 follows:

1 6 Vacancies in courts. SEC. 15. Vacancies in the supreme
1 7 court and district court shall be filled by appointment by the
1 8 governor from lists of nominees submitted by the appropriate
1 9 judicial nominating commission. Three nominees shall be
1 10 submitted for each supreme court vacancy, and two nominees
1 11 shall be submitted for each district court vacancy. If the
1 12 governor fails for thirty days to make ~~the~~ an appointment
1 13 from the district court nominees, ~~it~~ the appointment shall
1 14 be made from ~~such~~ the nominees by the chief justice of the
1 15 supreme court. The governor may reject all three nominees for
1 16 a supreme court vacancy and the nomination process shall start
1 17 anew until the governor appoints a nominee to fill the vacancy.
1 18 A nominee that has been rejected by the governor shall not be
1 19 renominated by the state judicial nominating commission to fill
1 20 the same vacancy.

1 21 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 22 to the Constitution of the State of Iowa is referred to the
1 23 general assembly to be chosen at the next general election
1 24 for members of the general assembly, and the secretary of
1 25 state is directed to cause the same to be published for three
1 26 consecutive months previous to the date of that election as
1 27 provided by law.

1 28 EXPLANATION

1 29 This joint resolution proposes an amendment to the
1 30 Constitution of the State of Iowa relating to the appointment
1 31 of nominees to the supreme court by the governor.

1 32 The resolution provides that the governor may reject
1 33 all three nominees for a supreme court vacancy by the state
1 34 judicial nominating commission, in which case, the nomination
1 35 process shall start anew until the governor appoints a nominee



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Senate Joint Resolution 7 - Introduced continued

2 1 to fill the vacancy. The resolution also prevents a nominee
2 2 that has been rejected by the governor from being renominated
2 3 to fill the same vacancy.
2 4 The Constitution currently requires the governor to appoint
2 5 a nominee from the list of three nominees submitted by the
2 6 state judicial nominating commission, and if the governor does
2 7 not make an appointment within 30 days of receiving the list of
2 8 nominees, the chief justice is required to make the appointment
2 9 from the list of such nominees.
2 10 The resolution, if adopted, would be referred to the next
2 11 general assembly (eighty=fifth) for adoption before the
2 12 amendment is submitted to the electorate for ratification.

LSB 1536XS (7) 84

jm/rj



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Senate Joint Resolution 8 - Introduced

SENATE JOINT RESOLUTION
BY SORENSON, CHELGREN,
BERTRAND, FEENSTRA,
BOETTGER, SEYMOUR,
BARTZ, ANDERSON,
BACON, KETTERING,
HAMERLINCK, BEHN,
JOHNSON, KAPUCIAN,
GREINER, HAHN, ZAUN,
McKINLEY, DIX, ERNST,
SMITH, WHITVER, WARD,
and HOUSER

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa regarding the validity and recognition
3 of marriages in the state.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1512SS (3) 84
pf/rj



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Senate Joint Resolution 8 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 Article I of the Constitution of the State of Iowa is amended
1 4 by adding the following new section:
1 5 Marriage.SEC. 26. Marriage between one man and one woman
1 6 shall be the only legal union valid or recognized in this
1 7 state.
1 8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 9 to the Constitution of the State of Iowa is referred to the
1 10 general assembly to be chosen at the next general election
1 11 for members of the general assembly, and the secretary of
1 12 state is directed to cause the same to be published for three
1 13 consecutive months previous to the date of that election as
1 14 provided by law.

1 15 EXPLANATION

1 16 This joint resolution proposes an amendment to the
1 17 Constitution of the State of Iowa specifying that marriage
1 18 between one man and one woman shall be the only legal union
1 19 valid or recognized in this state.

1 20 The joint resolution, if adopted, would be referred to the
1 21 next general assembly for adoption a second time before being
1 22 submitted to the electorate for ratification.

LSB 1512SS (3) 84

pf/rj



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Senate Resolution 3 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY COMMITTEE ON ETHICS

1 1 A Resolution relating to the Senate Code of Ethics
1 2 governing the conduct of members of the Senate in
1 3 relation to their senatorial duties during the
1 4 Eighty=fourth General Assembly.
1 5 BE IT RESOLVED BY THE SENATE, That the Senate Code
1 6 of Ethics for the ~~Eighty=third~~ Eighty=fourth General
1 7 Assembly shall be amended to read as follows:
1 8 SENATE CODE OF ETHICS
1 9 PREAMBLE. Every legislator owes a duty to uphold
1 10 the integrity and honor of the general assembly, to
1 11 encourage respect for the law and for the general
1 12 assembly and the members thereof, and to observe the
1 13 legislative code of ethics.
1 14 In doing so, members of the senate have a duty
1 15 to conduct themselves so as to reflect credit on
1 16 the general assembly, and to inspire the confidence,
1 17 respect, and trust of the public, and to strive to
1 18 avoid both unethical and illegal conduct and the
1 19 appearance of unethical and illegal conduct.
1 20 Recognizing that service in the Iowa general
1 21 assembly is a part=time endeavor and that members of
1 22 the general assembly are honorable individuals who
1 23 are active in the affairs of their localities and
1 24 elsewhere and that it is necessary that they maintain
1 25 a livelihood and source of income apart from their
1 26 legislative compensation, the following rules are



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Senate Resolution 3 - Introduced continued

2 1 adopted pursuant to section 68B.31, to assist the
2 2 members in the conduct of their legislative affairs.
2 3 1. ECONOMIC INTEREST OF SENATOR. Taking into
2 4 account that legislative service is part-time, a
2 5 senator shall not accept economic or investment
2 6 opportunity, under circumstances where the senator
2 7 knows, or should know, that there is a reasonable
2 8 possibility that the opportunity is being afforded the
2 9 senator with intent to influence the senator's conduct
2 10 in the performance of official duties.
2 11 2. DIVESTITURE. Where a senator learns that
2 12 an economic or investment opportunity previously
2 13 accepted was offered with the intent of influencing
2 14 the senator's conduct in the performance of official
2 15 duties, the senator shall take steps to divest that
2 16 senator of that investment or economic opportunity, and
2 17 shall report the facts of the situation to the senate
2 18 ethics committee.
2 19 3. CHARGES FOR SERVICES. A senator shall not
2 20 charge to or accept from a person, corporation,
2 21 partnership, or association known to have a legislative
2 22 interest a price, fee, compensation, or other
2 23 consideration for the sale or lease of any property or
2 24 the furnishing of services which is in excess of that
2 25 which the senator would charge another.
2 26 4. USE OF CONFIDENTIAL INFORMATION. A senator in
2 27 order to further the senator's own economic or other
2 28 interests, or those of any other person, shall not
2 29 disclose or use confidential information acquired in
2 30 the course of official duties.



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Senate Resolution 3 - Introduced continued

3 1 5. HONORARIA. A senator shall not accept an
3 2 honorarium from a restricted donor for a speech,
3 3 writing for publication, or other similar activity,
3 4 except as otherwise provided in section 68B.23.
3 5 6. EMPLOYMENT. A senator shall not accept
3 6 employment, either directly or indirectly, from a
3 7 political action committee. A senator may accept
3 8 employment from a political party, but shall disclose
3 9 the employment relationship in writing to the secretary
3 10 of the senate within ten days after the beginning
3 11 of each legislative session. If a senator accepts
3 12 employment from a political party during a legislative
3 13 session, the senator shall disclose the employment
3 14 relationship within ten days after acceptance of the
3 15 employment.
3 16 For the purpose of this rule, a political action
3 17 committee means a committee, but not a candidate's
3 18 committee, which accepts contributions, makes
3 19 expenditures, or incurs indebtedness in the aggregate
3 20 of more than seven hundred fifty dollars in any one
3 21 calendar year to expressly advocate the nomination,
3 22 election, or defeat of a candidate for public office
3 23 or to expressly advocate the passage or defeat of
3 24 a ballot issue or influencing legislative action,
3 25 or an association, lodge, society, cooperative,
3 26 union, fraternity, sorority, educational institution,
3 27 civic organization, labor organization, religious
3 28 organization, or professional organization which makes
3 29 contributions in the aggregate of more than seven
3 30 hundred fifty dollars in any one calendar year to



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Senate Resolution 3 - Introduced continued

4 1 expressly advocate the nomination, election, or defeat
4 2 of a candidate for public office or ballot issue or
4 3 influencing legislative action.
4 4 7. ECONOMIC INTERESTS OF LOBBYIST. With the
4 5 exception of exercising unfettered discretion in
4 6 supporting or refusing to support proposed legislation,
4 7 a senator shall not take action intended to affect the
4 8 economic interests of a lobbyist or citizen supporting
4 9 or opposing proposed legislation.
4 10 8. APPEARANCE BEFORE GOVERNMENTAL AGENCY. A
4 11 senator may appear before a governmental agency or
4 12 board in any representation case, except that the
4 13 senator shall not act as a lobbyist. Whenever a
4 14 senator appears before a governmental agency or board,
4 15 the senator shall carefully avoid all conduct which
4 16 might in any way lead members of the general public
4 17 to conclude that the senator is using the senator's
4 18 official position to further the senator's professional
4 19 success or personal financial interest.
4 20 9. CONFLICTS OF INTERESTS. In order to permit the
4 21 general assembly to function effectively, a senator
4 22 will sometimes be required to vote on bills and
4 23 participate in committee work which will affect the
4 24 senator's employment and other monetary interests. In
4 25 making a decision relative to the senator's activity on
4 26 given bills or committee work which are subject to the
4 27 code, the following factors shall be considered:
4 28 a. Whether a substantial threat to the senator's
4 29 independence of judgment has been created by the
4 30 conflict situation.



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5 1 b. The effect of the senator's participation on
5 2 public confidence in the integrity of the legislature.

5 3 c. The need for the senator's particular
5 4 contribution, such as special knowledge of the
5 5 subject matter, to the effective functioning of the
5 6 legislature.

5 7 A senator with a conflict of interest may
5 8 participate in floor debate if prior to debate the
5 9 senator indicates the conflict of interest.

5 10 10. GIFTS. Except as otherwise provided in section
5 11 68B.22, a senator, or that person's immediate family
5 12 member, shall not, directly or indirectly, accept or
5 13 receive any gift or series of gifts from a restricted
5 14 donor.

5 15 11. DISCLOSURE REQUIRED. Each senator shall file
5 16 with the secretary of the senate within ten days after
5 17 the adoption of the code of ethics by the senate, and
5 18 within ten days after the convening of the second
5 19 session of the general assembly, a statement under
5 20 section 68B.35 on forms provided by the secretary of
5 21 the senate setting forth the following information:

5 22 The nature of each business in which the senator
5 23 is engaged and the nature of the business of each
5 24 company in which the senator has a financial interest.
5 25 A senator shall not be required to file a report or
5 26 be assumed to have a financial interest if the annual
5 27 income derived from the investment in stocks, bonds,
5 28 bills, notes, mortgages, or other securities offered
5 29 for sale through recognized financial brokers is less
5 30 than one thousand dollars.



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6 1 Disclosures required under this rule shall be as
6 2 of the date filed unless provided to the contrary,
6 3 and shall be amended to include interests and changes
6 4 encompassed by this rule that occur while the general
6 5 assembly is in session. All filings under this rule
6 6 shall be open to public inspection in the office of the
6 7 secretary of the senate at all reasonable times.
6 8 The secretary of the senate shall inform the
6 9 ethics committee of the statements which are filed
6 10 and shall report to the ethics committee the names of
6 11 any senators who appear not to have filed complete
6 12 statements. The chairperson of the ethics committee
6 13 shall request in writing that a senator who has failed
6 14 to complete the report or appears to have filed an
6 15 incomplete report do so within five days, and, upon
6 16 the failure of the senator to comply, the ethics
6 17 committee shall require the senator to appear before
6 18 the committee.
6 19 12. STATUTORY VIOLATIONS. Members of the general
6 20 assembly are urged to familiarize themselves with
6 21 chapters 68B, 721, and 722.
6 22 13. CHARGE ACCOUNTS. Senators shall not charge any
6 23 amount or item to any charge account to be paid for by
6 24 any lobbyist or any client the lobbyist represents.
6 25 14. TRAVEL EXPENSES. A senator shall not charge
6 26 to the state of Iowa amounts for travel and expenses
6 27 unless the senator actually has incurred those mileage
6 28 and expense costs. Senators shall not file the
6 29 vouchers for weekly mileage reimbursement required
6 30 by section 2.10, subsection 1, unless the travel



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7 1 was actually incurred at commensurate expense to the
7 2 senator.

7 3 15. COMPLAINTS. Complaints or charges against
7 4 any senator or any lobbyist shall be in writing,
7 5 made under oath, and filed with the secretary of the
7 6 senate or the chairperson of the ethics committee. If
7 7 filed with the secretary of the senate, the secretary
7 8 shall immediately advise the chairperson of the ethics
7 9 committee of the receipt of the complaint.

7 10 Complaint forms shall be available from the
7 11 secretary of the senate, or the chairperson of the
7 12 ethics committee, but a complaint shall not be rejected
7 13 for failure to use an approved form if the complaint
7 14 substantially complies with senate requirements.

7 15 A complainant may submit exhibits and affidavits
7 16 attached to the complaint.

7 17 16. FILING OF COMPLAINTS.

7 18 a. Persons entitled. Complaints may be filed by
7 19 any person believing that a senator ~~or~~, lobbyist, or
7 20 client of a lobbyist has violated the senate ethics
7 21 code, the senate rules governing lobbyists, or chapter
7 22 68B of the Iowa Code. A violation of the criminal
7 23 law may be considered to be a violation of this code
7 24 of ethics if the violation constitutes a serious
7 25 misdemeanor or greater, or a repetitive and flagrant
7 26 violation of the law.

7 27 b. Committee complaint. The ethics committee
7 28 may, upon its own motion, initiate a complaint,
7 29 investigation, or disciplinary action.

7 30 c. Timeliness of filing. A complaint will be



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8 1 considered to be timely filed if it is filed within
8 2 three years of the occurrence of the alleged violation
8 3 of the ethics code.

8 4 17. PERMANENT RECORD. The secretary of the senate
8 5 shall maintain a permanent record of all complaints
8 6 filed, evidence received by the committee, and any
8 7 transcripts or other recordings made of committee
8 8 proceedings, including a separate card file containing
8 9 the date filed, name and address of the complainant,
8 10 name and address of the respondent, a brief statement
8 11 of the charges made, and ultimate disposition of
8 12 the complaint. The secretary shall keep each such
8 13 complaint confidential until public disclosure is made
8 14 by the ethics committee.

8 15 18. PREHEARING PROCEDURE.

8 16 a. Defective complaint. Upon receipt of a
8 17 complaint, the chairperson and ranking member of the
8 18 ethics committee shall determine whether the complaint
8 19 substantially complies with the requirements of this
8 20 code of ethics and section 68B.31, subsection 6. If
8 21 the complaint does not substantially comply with
8 22 the requirements for formal sufficiency under the
8 23 code of ethics, the complaint may be returned to the
8 24 complainant with a statement that the complaint is not
8 25 in compliance with the code and a copy of the code. If
8 26 the complainant fails to amend the complaint to comply
8 27 with the code within a reasonable time, the chair and
8 28 ranking member may dismiss the complaint with prejudice
8 29 for failure to prosecute.

8 30 b. Service of complaint on respondent. Upon



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9 1 receipt of any complaint substantially complying
9 2 with the requirements of this code of ethics, the
9 3 chairperson of the ethics committee shall cause a copy
9 4 of the complaint and any supporting information to
9 5 be delivered promptly to the respondent, requesting
9 6 a written response to be filed within ten days. The
9 7 response may do any of the following:
9 8 (1) Admit or deny the allegation or allegations.
9 9 (2) Object that the allegation fails to allege a
9 10 violation of chapter 68B or the code of ethics.
9 11 (3) Object to the jurisdiction of the committee.
9 12 (4) Request a more specific statement of the
9 13 allegation or allegations.
9 14 c. Objection to member. In addition to the
9 15 items which may be included in a response pursuant
9 16 to paragraph "b", the response may also include an
9 17 objection to the participation of any member of the
9 18 committee in the consideration of the allegation or
9 19 allegations on the grounds that the member cannot
9 20 render an impartial and unbiased decision.
9 21 d. Extension of time. At the request of the
9 22 respondent and upon a showing of good cause, the
9 23 committee, or the chairperson and ranking member,
9 24 may extend the time for response, not to exceed ten
9 25 additional days.
9 26 e. Confidentiality. If a complaint is not
9 27 otherwise made public, the members of the committee
9 28 shall treat the complaint and all supporting
9 29 information as confidential until the written response
9 30 is received from the respondent.



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10 1 f. Communications with ethics committee. After a
10 2 complaint has been filed or an investigation has been
10 3 initiated, a party to the complaint or investigation
10 4 shall not communicate, or cause another to communicate,
10 5 as to the merits of the complaint or investigation with
10 6 a member of the committee, except under the following
10 7 circumstances:

10 8 (1) During the course of any meetings or other
10 9 official proceedings of the committee regarding the
10 10 complaint or investigation.

10 11 (2) In writing, if a copy of the writing is
10 12 delivered to the adverse party or the designated
10 13 representative for the adverse party.

10 14 (3) Orally, if adequate prior notice of the
10 15 communication is given to the adverse party or the
10 16 designated representative for the adverse party.

10 17 (4) As otherwise authorized by statute, the senate
10 18 code of ethics, the senate rules governing lobbyists,
10 19 or vote of the committee.

10 20 g. Scheduling hearing. Upon receipt of the
10 21 response, the committee shall schedule a public meeting
10 22 to review the complaint and available information, and
10 23 shall do one of the following:

10 24 (1) Notify the complainant that no further
10 25 action will be taken, unless further substantiating
10 26 information is produced,~~or~~.

10 27 (2) Dismiss the complaint for failure to meet the
10 28 statutory and code of ethics requirements for valid
10 29 complaints,~~or~~.

10 30 (3) Take action on the complaint without requesting



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11 1 the appointment of an independent special counsel
11 2 if the committee determines the complaint is valid
11 3 and determines no dispute exists between the parties
11 4 regarding the material facts that establish a
11 5 violation. The committee may do any of the following:
11 6 (a) Issue an admonishment to advise against the
11 7 conduct that formed the basis for the complaint and to
11 8 exercise care in the future.
11 9 (b) Issue an order to cease and desist the conduct
11 10 that formed the basis for the complaint.
11 11 (c) Make a recommendation to the senate that
11 12 the person subject to the complaint be censured or
11 13 reprimanded.
11 14 ~~(3)~~ (4) Request that the chief justice of the
11 15 supreme court appoint an independent special counsel
11 16 to conduct an investigation of the complaint and
11 17 supporting information, to make a determination of
11 18 probable cause, and to report the findings to the
11 19 committee, which shall be received within a reasonable
11 20 time.
11 21 h. Public hearing. If independent special counsel
11 22 is appointed, upon receipt of the report of independent
11 23 special counsel's findings, the committee shall
11 24 schedule a public meeting to review the report and
11 25 shall do either of the following:
11 26 (1) Cause the complaint to be scheduled for a
11 27 public hearing.
11 28 (2) Dismiss the complaint based upon a
11 29 determination by independent special counsel and the
11 30 committee that insufficient evidence exists to support



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12 1 a finding of probable cause.

12 2 19. HEARING PROCEDURE.

12 3 a. Notice of hearing. If the committee causes
12 4 a complaint to be scheduled for a public hearing,
12 5 notice of the hearing date and time shall be given to
12 6 the complainant and respondent in writing, and of the
12 7 respondent's right to appear in person, be represented
12 8 by legal counsel, present statements and evidence, and
12 9 examine and cross-examine witnesses. The committee
12 10 shall not be bound by formal rules of evidence, but
12 11 shall receive relevant evidence, subject to limitations
12 12 on repetitiveness. Any evidence taken shall be under
12 13 oath.

12 14 b. Subpoena power. The committee may require, by
12 15 subpoena or otherwise, the attendance and testimony of
12 16 witnesses and the production of such books, records,
12 17 correspondence, memoranda, papers, documents, and any
12 18 other things it deems necessary to the conduct of the
12 19 inquiry.

12 20 c. Ex post facto. An investigation shall not be
12 21 undertaken by the committee of a violation of a law,
12 22 rule, or standard of conduct that is not in effect at
12 23 the time of violation.

12 24 d. Disqualification of member. Members of the
12 25 committee may disqualify themselves from participating
12 26 in any investigation of the conduct of another person
12 27 upon submission of a written statement that the member
12 28 cannot render an impartial and unbiased decision
12 29 in a case. A member may also be disqualified by a
12 30 unanimous vote of the remaining eligible members of the



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13 1 committee.

13 2 A member of the committee is ineligible to
13 3 participate in committee meetings, as a member of the
13 4 committee, in any proceeding relating to the member's
13 5 own official conduct.

13 6 If a member of the committee is disqualified or
13 7 ineligible to act, the majority or minority leader who
13 8 appointed the member shall appoint a replacement member
13 9 to serve as a member of the committee during the period
13 10 of disqualification or ineligibility.

13 11 e. Hearing. At the hearing, the chairperson shall
13 12 open the hearing by stating the charges, the purpose of
13 13 the hearing, and its scope. The burden of proof rests
13 14 upon the complainant to establish the facts as alleged,
13 15 by clear and convincing evidence. However, questioning
13 16 of witnesses shall be conducted by the members of the
13 17 committee, by independent special counsel, or by a
13 18 senator. The chairperson shall also permit questioning
13 19 by legal counsel representing the complainant or
13 20 respondent.

13 21 The chairperson or other member of the committee
13 22 presiding at a hearing shall rule upon procedural
13 23 questions or any question of admissibility of evidence
13 24 presented to the committee. Rulings may be reversed by
13 25 a majority vote of the committee members present.

13 26 The committee may continue the hearing to a future
13 27 date if necessary for appropriate reasons or purposes.

13 28 f. Committee action. Upon receipt of all relevant
13 29 evidence and arguments, the committee shall consider
13 30 the same and recommend to the senate any of the



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14 1 following:

14 2 (1) That the complaint be dismissed,~~or~~.

14 3 (2) That the senator or lobbyist be censured or
14 4 reprimanded, and recommend the appropriate form of
14 5 censure or reprimand,~~or~~.

14 6 (3) Any other appropriate sanction, including
14 7 suspension or expulsion from membership in the senate,
14 8 or suspension of lobbying privileges.

14 9 g. Disposition resolution. By appropriate
14 10 resolution, the senate may amend, adopt, or reject
14 11 the report of the ethics committee, including the
14 12 committee's recommendations regarding disciplinary
14 13 action.

14 14 20. COMMITTEE AUTHORIZED TO MEET. The senate
14 15 ethics committee is authorized to meet at the
14 16 discretion of the chairperson to conduct hearings and
14 17 other business that properly may come before it. If
14 18 the committee submits a report seeking senate action
14 19 against a senator or lobbyist after the second regular
14 20 session of a general assembly has adjourned sine die,
14 21 the report shall be submitted to and considered by
14 22 the subsequent general assembly. However, the report
14 23 may be submitted to and considered during any special
14 24 session which may take place after the second regular
14 25 session of a general assembly has adjourned sine die,
14 26 but before the convening of the next general assembly.

14 27 21. ADVISORY OPINIONS.

14 28 a. Requests for formal opinions. A request for a
14 29 formal advisory opinion may be filed by any person who
14 30 is subject to the authority of the ethics committee.



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15 1 The ethics committee may also issue a formal advisory
15 2 opinion on its own motion, without having previously
15 3 received a formal request for an opinion, on any issue
15 4 that is within the jurisdiction of the committee.
15 5 Requests shall be filed with either the secretary of
15 6 the senate or the chairperson of the ethics committee.
15 7 b. Form and contents of requests. A request for
15 8 a formal advisory opinion shall be in writing and
15 9 may pertain to any subject matter that is related to
15 10 the application of the senate code of ethics, the
15 11 senate rules governing lobbyists, or chapter 68B of
15 12 the Code to any person who is subject to the authority
15 13 of the ethics committee. Requests shall contain one
15 14 or more specific questions and shall relate either to
15 15 future conduct or be stated in the hypothetical. A
15 16 request for an advisory opinion shall not specifically
15 17 name any individual or contain any other specific
15 18 identifying information, unless the request relates
15 19 to the requester's own conduct. However, any request
15 20 may contain information which identifies the kind of
15 21 individual who may be affected by the subject matter
15 22 of the request. Examples of this latter kind of
15 23 identifying information may include references to
15 24 conduct of a category of individuals, such as but not
15 25 limited to conduct of legislators, legislative staff,
15 26 ~~or~~ lobbyists, or clients of lobbyists.
15 27 c. Confidentiality of formal requests and opinions.
15 28 Requests for formal opinions are not confidential and
15 29 any deliberations of the committee regarding a request
15 30 for a formal opinion shall be public. Opinions issued



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16 1 in response to requests for formal opinions are not
16 2 confidential, shall be in writing, and shall be placed
16 3 on file in the office of the secretary of the senate.
16 4 Persons requesting formal opinions shall personally
16 5 receive a copy of the written formal opinion that is
16 6 issued in response to the request.
16 7 22. CALCULATION OF TIME ==== DAYS. For purposes of
16 8 these rules, unless the context otherwise requires,
16 9 the word "day" or "days" shall mean a calendar day
16 10 except that if the day is the last day of a specific
16 11 time period and falls upon a Saturday, Sunday, or legal
16 12 holiday, the time prescribed shall be extended so as to
16 13 include the whole of the next day in which the offices
16 14 of the senate and the general assembly are open for
16 15 official business.
16 16 23. COMPLAINT FILING FORM. The following form
16 17 shall be used to file a complaint under these rules:
16 18 THE SENATE
16 19 Ethics Complaint Form
16 20 Re: _____ (Senator/Lobbyist),
16 21 of _____, Iowa.
16 22 I, _____ (Complainant), residing
16 23 at _____, in the City of _____,
16 24 State of _____, hereby complain that
16 25 _____ (Senator/Lobbyist), whose
16 26 address is _____,
16 27 has violated the Senate Code of Ethics or Senate Rules
16 28 Governing Lobbyists in that:
16 29 (Explain the basis for the complaint here. Use
16 30 additional pages, if necessary.)



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17 1 Under penalty of perjury, I certify that the above
17 2 complaint is true and correct as I verily believe.
17 3 _____
17 4 Signature of Complainant
17 5 SUBSCRIBED AND AFFIRMED to before me this _____
17 6 day of _____, _____.
17 7 _____
17 8 Notary Public in and for the
17 9 State of _____
17 10 24. COMPLAINT NOTICE FORM. The following form
17 11 shall be used for notice of a complaint under these
17 12 rules:
17 13 STATE OF IOWA
17 14 THE SENATE
17 15 COMMITTEE ON ETHICS)
17 16 IOWA STATE SENATE)
17 17)
17 18 On The Complaint Of) NOTICE OF
COMPLAINT
17 19)
17 20 _____)
17 21)
17 22 And Involving)
17 23)
17 24 _____)
17 25)
17 26 TO _____,
17 27 Senator or Lobbyist named above:
17 28 You are hereby notified that there is now on file
17 29 with the Secretary of the Senate, State Capitol, Des
17 30 Moines, Iowa, a complaint which alleges that you have



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18 1 committed a violation of the Senate's Code of Ethics or
18 2 Senate Rules Governing Lobbyists.

18 3 A copy of the complaint and the Senate rules for
18 4 processing the same are attached hereto and made a part
18 5 of this notice.

18 6 You are further notified and requested to file your
18 7 written answer to the complaint within ten days of the
18 8 date upon which the notice was caused to be delivered
18 9 to you, (date) _____, _____.

18 10 Your answer is to be filed with the Secretary of the
18 11 Senate, State Capitol, Des Moines, Iowa.

18 12 Dated this _____ day of _____, _____.
18 13 _____

18 14 Chair, Senate Ethics Committee,
18 15 or Secretary of the Senate

18 16 25. HEARING NOTICE FORM. The following form shall
18 17 be used for notice of a hearing under these rules:

18 18 STATE OF IOWA

18 19 THE SENATE

18 20 COMMITTEE ON ETHICS)

18 21 IOWA STATE SENATE)

18 22)

18 23 On The Complaint Of)

NOTICE OF

HEARING

18 24)

18 25 _____)

18 26)

18 27 And Involving)

18 28)

18 29 _____)

18 30)



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19 1 TO _____,
19 2 Senator or Lobbyist named above:
19 3 You are hereby notified that there is now on file
19 4 with the Secretary of the Senate, State Capitol, Des
19 5 Moines, Iowa, a complaint which alleges that you have
19 6 committed a violation of the Senate's Code of Ethics or
19 7 Senate Rules Governing Lobbyists.
19 8 A copy of the complaint and the Senate rules for
19 9 processing the same are attached hereto and made a part
19 10 of this notice.
19 11 You are further notified that, after preliminary
19 12 review, the committee has caused a public hearing to be
19 13 scheduled on (date) _____, _____, at
19 14 (hour) _____ (a.m.) (p.m.), in Room _____, State
19 15 Capitol, Des Moines, Iowa.
19 16 At the hearing, you will have the right to appear
19 17 in person, be represented by legal counsel at your own
19 18 expense, present statements and evidence, and examine
19 19 and cross-examine witnesses. The committee shall
19 20 not be bound by formal rules of evidence, but shall
19 21 receive relevant evidence, subject to limitations on
19 22 repetitiveness. Any evidence taken shall be under
19 23 oath.
19 24 The committee may continue the hearing to a future
19 25 date if necessary for appropriate reasons or purposes.
19 26 You are further notified that the committee will
19 27 receive such evidence and take such action as warranted
19 28 by the evidence.
19 29 Dated this _____ day of _____, _____.
19 30 _____



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20 1 Chair, Senate Ethics Committee,
20 2 or Secretary of the Senate
20 3 26. PERSONAL FINANCIAL DISCLOSURE FORM. The
20 4 following form shall be used for disclosure of economic
20 5 interests under these rules and section 68B.35:
20 6 STATEMENT OF ECONOMIC INTERESTS
20 7 Name: _____
20 8 (Last) (First) (Middle Initial)
20 9 Address: _____
20 10 (Street Address, Apt.#/P.O. Box)
20 11 _____
20 12 (City) (State) (Zip)
20 13 Phone: (Home) ____/____=____ (Business) ____/____=____
20 14 *****
20 15 a. Please list each business, occupation, or
20 16 profession in which you are engaged. In listing
20 17 the business, occupation, or profession, it is
20 18 not necessary that your employer or the name of
20 19 the business be listed, although all businesses,
20 20 occupations, or professions must be listed, regardless
20 21 of the amount of income derived or time spent
20 22 participating in the activity. (Examples of types
20 23 of businesses, occupations, or professions that may
20 24 be listed: teacher, lawyer, legislator, real estate
20 25 agent, insurance adjuster, salesperson....)
20 26 (1) _____
20 27 (2) _____
20 28 (3) _____
20 29 (4) _____
20 30 (5) _____



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21 1 b. Please list the nature of each of the
21 2 businesses, occupations, or professions which you
21 3 listed in paragraph "a", above, unless the nature of
21 4 the business, occupation, or profession is already
21 5 apparent from the information indicated above. The
21 6 descriptions in this paragraph should correspond by
21 7 number to the numbers for each of the businesses,
21 8 occupations, or professions listed in paragraph "a".
21 9 (Examples: If you indicated, for example, that you
21 10 were a salesperson in subparagraph (1) of paragraph
21 11 "a", you should list in subparagraph (1) of this
21 12 paragraph the types of goods or services sold in this
21 13 item. If you indicated that you were a teacher in
21 14 subparagraph (2) of paragraph "a", you should indicate
21 15 in subparagraph (2) of this paragraph the type of
21 16 school or institution in which you provide instruction
21 17 or whether the instruction is provided on a private
21 18 basis. If you indicated that you were a lawyer in
21 19 subparagraph (3) of paragraph "a", you should indicate
21 20 your areas of practice and whether you are in private,
21 21 corporate, or government practice in subparagraph (3)
21 22 of this paragraph. If you indicated in subparagraph
21 23 (4) of paragraph "a" that you were a consultant, in
21 24 subparagraph (4) of this paragraph you should indicate
21 25 the kind of services provided and types of clients
21 26 served.)

21 27	(1)	_____
21 28	(2)	_____
21 29	(3)	_____
21 30	(4)	_____



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22 1 (5)
22 2 c. Please list each source, by general description,
22 3 from which you receive, or which generates, more than
22 4 one thousand dollars in gross annual income in the
22 5 categories listed below. For purposes of this item,
22 6 a source produces gross annual income if the revenue
22 7 produced by the source is subject to federal or state
22 8 income taxes. In completing this item, it is not
22 9 necessary to list the name of the company, business,
22 10 financial institution, corporation, partnership, or
22 11 other entity which constitutes the source of the income
22 12 and the amount or value of the holding should not be
22 13 listed.

22 14 (1) Securities (Here for example, you need not
22 15 state that you own X number of shares of any specific
22 16 company by brand or corporate name, or that the stock
22 17 is of a certain value, but may instead state that you
22 18 possess stock in a company and indicate the nature of
22 19 the company's business.):

22 20 _____
22 21 _____
22 22 _____
22 23 _____
22 24 _____

22 25 (2) Instruments of Financial Institutions (You
22 26 need not indicate, for example, in which institutions
22 27 you hold certificates of deposit that produce annual
22 28 income over the one thousand dollar threshold, but
22 29 simply listing the nature of the institution will
22 30 suffice, e.g., bank, credit union, or savings and loan



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23 1 association.):

23 2

23 3

23 4

23 5

23 6

23 7 (3) Trusts (The name of the particular trust need
23 8 not be listed. However, if the income is received
23 9 from a charitable trust/foundation, such as the Pugh
23 10 Charitable Trust, in the form of a grant, the fact that
23 11 the trust is a charitable trust should be noted here.):

23 12

23 13

23 14

23 15

23 16

23 17 (4) Real Estate (When listing real estate, it is
23 18 not necessary to list the location of the property, but
23 19 the general nature of the real estate interest should
23 20 be indicated, e.g., residential leasehold interest or
23 21 farm leasehold interest.):

23 22

23 23

23 24

23 25

23 26

23 27 (5) Retirement Systems (When listing retirement
23 28 benefits, it is not necessary to list the name of
23 29 the particular pension system or company, but rather
23 30 the type of benefit should be listed, e.g., health



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24 1 benefits, life insurance benefits, private pension, or
24 2 government pension.):

24 3 _____
24 4 _____
24 5 _____
24 6 _____
24 7 _____

24 8 (6) Other Income Categories Specified in State or
24 9 Federal Income Tax Regulations (List description of
24 10 other sources of income producing over one thousand
24 11 dollars in annual income not previously reported above,
24 12 but which must be reported for income tax purposes.):

24 13 _____
24 14 _____
24 15 _____
24 16 _____
24 17 _____
24 18 _____

24 19 _____
24 20 (Signature of filer) (Date)

LSB 1354SV (1) 84

tm/rj



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Senate Study Bill 1050

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

1 An Act relating to the county recorder fees charged for each
2 recorded transaction.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1824SC (6) 84
aw/nh



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Senate Study Bill 1050 continued

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1 1 Section 1. Section 331.604, subsection 3, paragraph b,
1 2 subparagraph (3), unnumbered paragraph 1, Code 2011, is amended
1 3 to read as follows:

1 4 ~~Beginning~~ For the period beginning July 1, 2011, and ending
1 5 June 30, 2016, the recorder shall also collect a fee of ~~one~~
~~one dollar~~ two dollars for each recorded transaction, regardless
1 7 of the number of pages, for which a fee is paid pursuant to
1 8 subsection 1 to be used for the purposes in subparagraph (2)
1 9 and for the following purposes:

1 10 EXPLANATION

1 11 This bill relates to the fees charged by a county recorder
1 12 for each recorded transaction.

1 13 Current law requires that, between July 1, 2009, and June
1 14 30, 2011, a recorder charge a fee of \$3 for each recorded
1 15 transaction regardless of the number of pages. Current law
1 16 reduces this fee to \$1 for each recorded transaction beginning
1 17 July 1, 2011.

1 18 The bill increases the fee to be charged beginning July 1,
1 19 2011, from \$1 to \$2 for each recorded transaction, and provides
1 20 an end date for imposition of the fee of June 30, 2016. Current
1 21 law does not set an end date for the charging of this fee.

LSB 1824SC (6) 84

aw/nh



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Senate Study Bill 1051

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to assessment of telecommunications company
2 property for purposes of property taxation, and including
3 effective date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1543XC (2) 84

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1 1 Section 1. Section 427A.1, subsection 1, paragraph h, Code
1 2 2011, is amended to read as follows:

1 3 h. Property assessed by the department of revenue pursuant
1 4 to sections 428.24 to 428.29, ~~or chapters 433,~~ chapter 433 if
1 5 such property was first assessed for taxation in this state
1 6 before January 1, 1996, or chapters 434, 437, 437A, and 438.

1 7 Sec. 2. Section 433.4, Code 2011, is amended to read as
1 8 follows:

1 9 433.4 Assessment.

1 10 1. The director of revenue shall on or before October 31
1 11 each year, proceed to find the actual value of the property
1 12 of these companies in this state, taking into consideration
1 13 the information obtained from the statements required, and any
1 14 further information the director can obtain, ~~using the same as~~
1 15 ~~a means for determining the actual cash value of the property~~
1 16 ~~of these companies within this state.~~

1 17 2. ~~The~~ For company property that was first assessed for
1 18 taxation in this state before January 1, 1996, the director
1 19 shall also take into consideration the information described
1 20 in subsection 1 and the valuation of all property of these
1 21 companies, including franchises and the use of the property
1 22 in connection with lines outside the state, and making these
1 23 deductions as may be necessary on account of extra value
1 24 of property outside the state as compared with the value
1 25 of property in the state, in order that the actual ~~cash~~
1 26 value of the property of the company within this state may
1 27 be ascertained. The assessment shall include all property
1 28 of every kind and character whatsoever, real, personal, or
1 29 mixed, used by the companies in the transaction of telegraph
1 30 and telephone business; and the property so included in the
1 31 assessment shall not be taxed in any other manner than as
1 32 provided in this chapter.

1 33 3. For company property that was first assessed for taxation
1 34 in this state on or after January 1, 1996, the director shall
1 35 determine the value of the property within this state as



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2 1 follows:

2 2 a. For the assessment year beginning January 1, 2014, the
2 3 value of such property shall equal the sum of the following:

2 4 (1) Eighty percent of the property's value as determined in
2 5 the manner provided under subsection 2.

2 6 (2) Twenty percent of the property's value as determined in
2 7 the manner provided under paragraph "e".

2 8 b. For the assessment year beginning January 1, 2015, the
2 9 value of such property shall equal the sum of the following:

2 10 (1) Sixty percent of the property's value as determined in
2 11 the manner provided under subsection 2.

2 12 (2) Forty percent of the property's value as determined in
2 13 the manner provided under paragraph "e".

2 14 c. For the assessment year beginning January 1, 2016, the
2 15 value of such property shall equal the sum of the following:

2 16 (1) Forty percent of the property's value as determined in
2 17 the manner provided under subsection 2.

2 18 (2) Sixty percent of the property's value as determined in
2 19 the manner provided under paragraph "e".

2 20 d. For the assessment year beginning January 1, 2017, the
2 21 value of such property shall equal the sum of the following:

2 22 (1) Twenty percent of the property's value as determined in
2 23 the manner provided under subsection 2.

2 24 (2) Eighty percent of the property's value as determined in
2 25 the manner provided under paragraph "e".

2 26 e. For the assessment year beginning January 1, 2018,
2 27 and each assessment year thereafter, such property shall be

2 28 assessed in the same manner as all other property assessed
2 29 as commercial property by the local assessor under chapters

2 30 427, 427A, 427B, 428, and 441; provided that such property
2 31 that is not exempt under subsection 4 or other provision of

2 32 law shall be valued at an amount no greater than the cost
2 33 of such property, reduced by accounting depreciation and

2 34 by any appropriate adjustments for functional and economic
2 35 obsolescence, and in determining said values the director shall



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3 1 not use any minimum amount or percentage of original cost as
3 2 the base or minimum value for any item or class of property,
3 3 regardless of whether the property is still in service.

3 4 4. Company property that was first assessed for taxation
3 5 in this state on or after January 1, 1996, shall not be
3 6 assessed and taxed as real property to the extent it consists
3 7 of cable, wire, conduit, vaults, switches, or other equipment
3 8 or fixtures used primarily to provide or facilitate the
3 9 electronic transmission, conveyance, or routing of voice,
3 10 data, audio, video, or any other information or signal to a
3 11 point, or between or among points, regardless of the content
3 12 or technology utilized and regardless of whether the property
3 13 would otherwise be considered attached to the real property.

3 14 Sec. 3. Section 476.1D, subsection 10, unnumbered paragraph
3 15 2, Code 2011, is amended by striking the unnumbered paragraph.

3 16 Sec. 4. EFFECTIVE UPON ENACTMENT AND APPLICABILITY.

3 17 1. Except as provided in subsection 2, this Act takes effect
3 18 July 1, 2013, and applies to assessment years beginning on or
3 19 after January 1, 2014.

3 20 2. The section of this Act amending section 476.1D takes
3 21 effect July 1, 2017, and applies to assessment years beginning
3 22 on or after January 1, 2018.

3 23 EXPLANATION

3 24 This bill relates to the manner in which telecommunications
3 25 company property is taxed.

3 26 The assessment provisions of Code section 433.4
3 27 currently provide that in ascertaining the actual value of
3 28 telecommunications company property the director of revenue
3 29 shall include all property of every kind and character
3 30 whatsoever, real, personal, or mixed, used by the company in
3 31 the transaction of telegraph and telephone business.

3 32 Under the bill, telecommunications company property that was
3 33 first assessed for taxation before January 1, 1996, continues
3 34 to be assessed in the manner provided under current Code
3 35 section 433.4. However, the bill modifies the Code section



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4 1 to provide that the value of a company's property that was
4 2 first assessed for taxation on or after January 1, 1996, shall,
4 3 subject to specific restrictions and provisions in the bill, be
4 4 determined in the same manner as all other property assessed as
4 5 commercial property by the local assessor.

4 6 For the assessment year beginning January 1, 2014, and for
4 7 each assessment year through the assessment year beginning
4 8 January 1, 2017, the bill provides for the transition from
4 9 the current assessment methodology in Code section 433.4
4 10 to the new assessment methodology created in the bill for
4 11 telecommunications company property that was first assessed for
4 12 taxation on or after January 1, 1996. The bill then provides
4 13 that for the assessment year beginning January 1, 2018, and for
4 14 each assessment year thereafter, all of the telecommunication
4 15 company's property that was first assessed for taxation on or
4 16 after January 1, 1996, is assessed using the new assessment
4 17 methodology created in the bill.

4 18 Except for the section of the bill amending Code section
4 19 476.1D, the bill takes effect July 1, 2013, and applies to
4 20 assessment years beginning on or after January 1, 2014. The
4 21 section of the bill amending Code section 476.1D takes effect
4 22 July 1, 2017, and applies to assessment years beginning on or
4 23 after January 1, 2018.

LSB 1543XC (2) 84

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Senate Study Bill 1052

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the tax and related
2 laws by updating the Code references to the Internal
3 Revenue Code and by decoupling from certain federal bonus
4 depreciation provisions and including effective date and
5 retroactive applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1237DP (11) 84
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1 1 DIVISION I
1 2 INTERNAL REVENUE CODE REFERENCES
1 3 Section 1. Section 422.3, subsection 5, Code 2011, is
1 4 amended to read as follows:
1 5 5. "Internal Revenue Code" means the Internal Revenue Code
1 6 of 1954, prior to the date of its redesignation as the Internal
1 7 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 8 the Internal Revenue Code of 1986 as amended to and including
1 9 January 1, ~~2008~~ 2011.
1 10 Sec. 2. Section 422.7, subsection 29A, Code 2011, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2011,
1 13 is amended to read as follows:
1 14 i. The deduction for state sales and use taxes is allowable
1 15 only if the taxpayer elected to deduct the state sales and use
1 16 taxes in lieu of state income taxes under section 164 of the
1 17 Internal Revenue Code. A deduction for state sales and use
1 18 taxes is not allowed if the taxpayer has taken the deduction
1 19 for state income taxes or claimed the standard deduction under
1 20 section 63 of the Internal Revenue Code. This paragraph
1 21 applies to taxable years beginning after December 31, 2003, and
1 22 before January 1, ~~2006~~ 2008, and to taxable years beginning
1 23 after December 31, 2009, and before January 1, 2012.
1 24 Sec. 4. Section 422.32, subsection 7, Code 2011, is amended
1 25 to read as follows:
1 26 7. "Internal Revenue Code" means the Internal Revenue Code
1 27 of 1954, prior to the date of its redesignation as the Internal
1 28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 29 the Internal Revenue Code of 1986 as amended to and including
1 30 January 1, ~~2008~~ 2011.
1 31 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
1 32 Act, being deemed of immediate importance, takes effect upon
1 33 enactment.
1 34 Sec. 6. RETROACTIVE APPLICABILITY. The following provision
1 35 or provisions of this division of this Act apply retroactively



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2 1 to January 1, 2010, for tax years beginning on or after that
2 2 date:

2 3 1. The section of this Act amending section 422.3.

2 4 2. The section of this Act amending section 422.32.

2 5 Sec. 7. RETROACTIVE APPLICABILITY. The following provision
2 6 or provisions of this division of this Act apply retroactively
2 7 to January 1, 2011, for tax years beginning on or after that
2 8 date:

2 9 1. The section of this Act amending section 422.7,
2 10 subsection 29A.

2 11 DIVISION II

2 12 RESEARCH ACTIVITIES CREDIT

2 13 Sec. 8. Section 15.335, subsection 4, Code 2011, is amended
2 14 to read as follows:

2 15 4. a. In lieu of the credit amount computed in subsection
2 16 2, an eligible business may elect to compute the credit amount
2 17 for qualified research expenses incurred in this state in a
2 18 manner consistent with the alternative ~~incremental~~ simplified
2 19 credit described in section ~~41(e)(4)~~ 41(c)(5) of the Internal
2 20 Revenue Code. The taxpayer may make this election regardless
2 21 of the method used for the taxpayer's federal income tax. The
2 22 election made under this paragraph is for the tax year and the
2 23 taxpayer may use another or the same method for any subsequent
2 24 year.

2 25 b. For purposes of the alternate credit computation
2 26 method in paragraph "a", the credit percentages applicable to
2 27 qualified research expenses described in ~~clauses (i), (ii),~~
~~2 28 and (iii) of section 41(e)(4)(A) 41(c)(5)(A) and clause (ii)~~
~~2 29 of section 41(c)(5)(B) of the Internal Revenue Code~~ are as
2 30 follows:

2 31 (1) In the case of an eligible business whose gross revenues
2 32 do not exceed twenty million dollars per year, the credit
2 33 percentages are ~~two and fifty-four hundredths percent, three~~
~~2 34 and thirty-eight hundredths percent, and four and twenty-three~~
~~2 35 hundredths~~ seven percent and three percent, respectively.



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3 1 (2) In the case of an eligible business whose gross revenues
3 2 exceed twenty million dollars per year, the credit percentages
3 3 are ~~seventy-six hundredths percent, one and two hundredths~~
~~3 4 percent, and one and twenty-seven hundredths~~ two and one-tenth
3 5 percent and nine-tenths percent, respectively.
3 6 Sec. 9. Section 15.335, subsection 7, Code 2011, is amended
3 7 to read as follows:
3 8 7. a. For purposes of this section, "base amount", "basic
3 9 research payment", and "qualified research expense" mean the
3 10 same as defined for the federal credit for increasing research
3 11 activities under section 41 of the Internal Revenue Code,
3 12 except that for the alternative ~~incremental~~ simplified credit
3 13 such amounts are for research conducted within this state.
3 14 b. For purposes of this section, "Internal Revenue Code"
3 15 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~3 16~~ 2011.
3 17 Sec. 10. Section 15A.9, subsection 8, paragraphs b, c, and
3 18 e, Code 2011, are amended to read as follows:
3 19 b. In lieu of the credit amount computed in paragraph "a",
3 20 subparagraph (1), subparagraph division (a), a business may
3 21 elect to compute the credit amount for qualified research
3 22 expenses incurred in this state within the zone in a manner
3 23 consistent with the alternative ~~incremental~~ simplified credit
3 24 described in section ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue
3 25 Code. The taxpayer may make this election regardless of
3 26 the method used for the taxpayer's federal income tax. The
3 27 election made under this paragraph is for the tax year and the
3 28 taxpayer may use another or the same method for any subsequent
3 29 year.
3 30 c. For purposes of the alternate credit computation
3 31 method in paragraph "b", the credit percentages applicable to
3 32 qualified research expenses described in ~~clauses (i), (ii), and~~
~~3 33 (iii) of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause (ii) of
3 34 section 41(c)(5)(B) of the Internal Revenue Code are three and
~~3 35 thirty hundredths percent, four and forty hundredths percent,~~



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~~4 1 and five and fifty hundredths percent, respectively as follows:~~
4 2 (1) In the case of an eligible business whose gross revenues
4 3 do not exceed twenty million dollars per year, the credit
4 4 percentages are seven percent and three percent, respectively.
4 5 (2) In the case of an eligible business whose gross revenues
4 6 exceed twenty million dollars per year, the credit percentages
4 7 are two and one-tenths percent and nine-tenths percent,
4 8 respectively.
4 9 e. (1) For the purposes of this subsection, "base amount",
4 10 "basic research payment", and "qualified research expense" mean
4 11 the same as defined for the federal credit for increasing
4 12 research activities under section 41 of the Internal Revenue
4 13 Code, except that for the alternative ~~incremental~~ simplified
4 14 credit such amounts are for research conducted within this
4 15 state within the zone.
4 16 (2) For purposes of this subsection, "Internal Revenue Code"
4 17 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~4 18 2011.~~
4 19 Sec. 11. Section 422.10, subsection 1, paragraphs b and c,
4 20 Code 2011, are amended to read as follows:
4 21 b. In lieu of the credit amount computed in paragraph "a",
4 22 subparagraph (1), subparagraph division (a), a taxpayer may
4 23 elect to compute the credit amount for qualified research
4 24 expenses incurred in this state in a manner consistent with the
4 25 alternative ~~incremental~~ simplified credit described in section
4 26 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The taxpayer
4 27 may make this election regardless of the method used for the
4 28 taxpayer's federal income tax. The election made under this
4 29 paragraph is for the tax year and the taxpayer may use another
4 30 or the same method for any subsequent year.
4 31 c. For purposes of the alternate credit computation
4 32 method in paragraph "b", the credit percentages applicable
4 33 to qualified research expenses described in ~~clauses (i),~~
~~4 34 (ii), and (iii) of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause
4 35 (ii) of section 41(c)(5)(B) of the Internal Revenue Code



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5 1 are ~~one and sixty-five hundredths percent, two and twenty~~
5 2 ~~hundredths percent, and two and seventy-five hundredths four~~
5 3 ~~and fifty-five hundredths percent and one and ninety-five~~
5 4 ~~hundredths percent, respectively.~~
5 5 Sec. 12. Section 422.10, subsection 3, Code 2011, is amended
5 6 to read as follows:
5 7 3. a. For purposes of this section, "base amount", "basic
5 8 research payment", and "qualified research expense" mean the
5 9 same as defined for the federal credit for increasing research
5 10 activities under section 41 of the Internal Revenue Code,
5 11 except that for the alternative ~~incremental~~ simplified credit
5 12 such amounts are for research conducted within this state.
5 13 b. For purposes of this section, "Internal Revenue Code"
5 14 means the Internal Revenue Code in effect on January 1, ~~2009~~
5 15 2011.
5 16 Sec. 13. Section 422.33, subsection 5, paragraphs b, c, and
5 17 d, Code 2011, are amended to read as follows:
5 18 b. In lieu of the credit amount computed in paragraph
5 19 "a", subparagraph (1), a corporation may elect to compute the
5 20 credit amount for qualified research expenses incurred in this
5 21 state in a manner consistent with the alternative ~~incremental~~
5 22 simplified credit described in section ~~41(e)(4)~~ 41(c)(5) of the
5 23 Internal Revenue Code. The taxpayer may make this election
5 24 regardless of the method used for the taxpayer's federal income
5 25 tax. The election made under this paragraph is for the tax
5 26 year and the taxpayer may use another or the same method for
5 27 any subsequent year.
5 28 c. For purposes of the alternate credit computation
5 29 method in paragraph "b", the credit percentages applicable
5 30 to qualified research expenses described in ~~clauses (i),~~
5 31 ~~(ii), and (iii) of section 41(e)(4)(A)~~ 41(c)(5)(A) and clause
5 32 (ii) of section 41(c)(5)(B) of the Internal Revenue Code
5 33 ~~are one and sixty-five hundredths percent, two and twenty~~
5 34 ~~hundredths percent, and two and seventy-five hundredths four~~
5 35 ~~and fifty-five hundredths percent and one and ninety-five~~



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6 1 hundredths percent, respectively.

6 2 d. (1) For purposes of this subsection, "base amount",
6 3 "basic research payment", and "qualified research expense" mean
6 4 the same as defined for the federal credit for increasing
6 5 research activities under section 41 of the Internal Revenue
6 6 Code, except that for the alternative ~~incremental~~ simplified
6 7 credit such amounts are for research conducted within this
6 8 state.

6 9 (2) For purposes of this subsection, "Internal Revenue Code"
6 10 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~6 11 2011~~.

6 12 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
6 13 Act, being deemed of immediate importance, takes effect upon
6 14 enactment.

6 15 Sec. 15. RETROACTIVE APPLICABILITY. The following
6 16 provision or provisions of this division of this Act apply
6 17 retroactively to July 1, 2010, for tax credits awarded on or
6 18 after that date:

6 19 1. The section of this Act amending section 15.335,
6 20 subsection 4.

6 21 2. The section of this Act amending section 15A.9.

6 22 Sec. 16. RETROACTIVE APPLICABILITY. The following
6 23 provision or provisions of this division of this Act apply
6 24 retroactively to January 1, 2010, for tax years beginning on
6 25 or after that date:

6 26 1. The section of this Act amending section 15.335,
6 27 subsection 7.

6 28 2. The section of this Act amending section 422.10,
6 29 subsection 1.

6 30 3. The section of this Act amending section 422.10,
6 31 subsection 3.

6 32 4. The section of this Act amending section 422.33.

6 33 DIVISION III

6 34 BONUS DEPRECIATION

6 35 Sec. 17. Section 422.5, subsection 2, paragraph b,



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7 1 subparagraph (1), Code 2011, is amended to read as follows:
7 2 (1) Add items of tax preference included in federal
7 3 alternative minimum taxable income under section 57, except
7 4 subsections (a)(1), (a)(2), and (a)(5), of the Internal Revenue
7 5 Code, make the adjustments included in federal alternative
7 6 minimum taxable income under section 56, except subsections
7 7 (a)(4), (b)(1)(C)(iii), and (d), of the Internal Revenue Code,
7 8 and add losses as required by section 58 of the Internal
7 9 Revenue Code. To the extent that any preference or adjustment
7 10 is determined by an individual's federal adjusted gross income,
7 11 the individual's federal adjusted gross income is computed in
7 12 accordance with section 422.7, ~~subsection~~ subsections 39, 39A,
7 13 39B, and 53. In the case of an estate or trust, the items of
7 14 tax preference, adjustments, and losses shall be apportioned
7 15 between the estate or trust and the beneficiaries in accordance
7 16 with rules prescribed by the director.
7 17 Sec. 18. Section 422.7, Code 2011, is amended by adding the
7 18 following new subsections:
7 19 NEW SUBSECTION. 39A. The additional first=year
7 20 depreciation allowance authorized in section 168(k) of the
7 21 Internal Revenue Code, as enacted by Pub. L. No. 110=185,
7 22 section 103, Pub. L. No. 111=5, section 1201, Pub. L. No.
7 23 111=240, section 2022, and Pub. L. No. 111=312, section
7 24 401, does not apply in computing net income for state tax
7 25 purposes. If the taxpayer has taken the additional first=year
7 26 depreciation allowance for purposes of computing federal
7 27 adjusted gross income, then the taxpayer shall make the
7 28 following adjustments to federal adjusted gross income when
7 29 computing net income for state tax purposes:
7 30 a. Add the total amount of depreciation taken under section
7 31 168(k) of the Internal Revenue Code for the tax year.
7 32 b. Subtract the amount of depreciation allowable under the
7 33 modified accelerated cost recovery system described in section
7 34 168 of the Internal Revenue Code and calculated without regard
7 35 to section 168(k).



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8 1 c. Any other adjustments to gains or losses necessary to
8 2 reflect the adjustments made in paragraphs "a" and "b". The
8 3 director shall adopt rules for the administration of this
8 4 paragraph.

8 5 NEW SUBSECTION. 39B. The additional first=year
8 6 depreciation allowance authorized in section 168(n) of the
8 7 Internal Revenue Code, as enacted by Pub. L. No. 110=343,
8 8 section 710, does not apply in computing net income for
8 9 state tax purposes. If the taxpayer has taken the additional
8 10 first=year depreciation allowance for purposes of computing
8 11 federal adjusted gross income, then the taxpayer shall make the
8 12 following adjustments to federal adjusted gross income when
8 13 computing net income for state tax purposes:

8 14 a. Add the total amount of depreciation taken under section
8 15 168(n) of the Internal Revenue Code for the tax year.

8 16 b. Subtract the amount of depreciation allowable under the
8 17 modified accelerated cost recovery system described in section
8 18 168 of the Internal Revenue Code and calculated without regard
8 19 to section 168(n).

8 20 c. Any other adjustments to gains or losses necessary to
8 21 reflect the adjustments made in paragraphs "a" and "b". The
8 22 director shall adopt rules for the administration of this
8 23 paragraph.

8 24 Sec. 19. Section 422.7, subsection 53, Code 2011, is amended
8 25 to read as follows:

8 26 53. A taxpayer is not allowed to take the increased
8 27 expensing allowance under section 179 of the Internal Revenue
8 28 Code, as amended by Pub. L. No. ~~110=185~~ 111=5, section 1202, in
8 29 computing adjusted gross income for state tax purposes.

8 30 Sec. 20. Section 422.9, subsection 2, paragraph h, Code
8 31 2011, is amended to read as follows:

8 32 h. For purposes of calculating the deductions in this
8 33 subsection that are authorized under the Internal Revenue Code,
8 34 and to the extent that any of such deductions is determined by
8 35 an individual's federal adjusted gross income, the individual's



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9 1 federal adjusted gross income is computed in accordance with
9 2 section 422.7, ~~subsection~~ subsections 39, 39A, 39B, and 53.
9 3 Sec. 21. Section 422.35, Code 2011, is amended by adding the
9 4 following new subsections:
9 5 NEW SUBSECTION. 19A. The additional first=year
9 6 depreciation allowance authorized in section 168(k) of the
9 7 Internal Revenue Code, as enacted by Pub. L. No. 110=185,
9 8 section 103, Pub. L. No. 111=5, section 1201, Pub. L. No.
9 9 111=240, section 2022, and Pub. L. No. 111=312, section
9 10 401, does not apply in computing net income for state tax
9 11 purposes. If the taxpayer has taken the additional first=year
9 12 depreciation allowance for purposes of computing federal
9 13 taxable income, then the taxpayer shall make the following
9 14 adjustments to federal taxable income when computing net income
9 15 for state tax purposes:
9 16 a. Add the total amount of depreciation taken under section
9 17 168(k) of the Internal Revenue Code for the tax year.
9 18 b. Subtract the amount of depreciation allowable under the
9 19 modified accelerated cost recovery system described in section
9 20 168 of the Internal Revenue Code and calculated without regard
9 21 to section 168(k).
9 22 c. Any other adjustments to gains or losses necessary to
9 23 reflect the adjustments made in paragraphs "a" and "b". The
9 24 director shall adopt rules for the administration of this
9 25 paragraph.
9 26 NEW SUBSECTION. 19B. The additional first=year
9 27 depreciation allowance authorized in section 168(n) of the
9 28 Internal Revenue Code, as enacted by Pub. L. No. 110=343,
9 29 section 710, does not apply in computing net income for
9 30 state tax purposes. If the taxpayer has taken the additional
9 31 first=year depreciation allowance for purposes of computing
9 32 federal taxable income, then the taxpayer shall make the
9 33 following adjustments to federal taxable income when computing
9 34 net income for state tax purposes:
9 35 a. Add the total amount of depreciation taken under section



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10 1 168(n) of the Internal Revenue Code for the tax year.
10 2 b. Subtract the amount of depreciation allowable under the
10 3 modified accelerated cost recovery system described in section
10 4 168 of the Internal Revenue Code and calculated without regard
10 5 to section 168(n).
10 6 c. Any other adjustments to gains or losses necessary to
10 7 reflect the adjustments made in paragraphs "a" and "b". The
10 8 director shall adopt rules for the administration of this
10 9 paragraph.
10 10 Sec. 22. Section 422.35, subsection 24, Code 2011, is
10 11 amended to read as follows:
10 12 24. A taxpayer is not allowed to take the increased
10 13 expensing allowance under section 179 of the Internal Revenue
10 14 Code, as amended by Pub. L. No. ~~110-185~~ 111=5, section 1202, in
10 15 computing taxable income for state tax purposes.
10 16 Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this
10 17 Act, being deemed of immediate importance, takes effect upon
10 18 enactment.
10 19 Sec. 24. RETROACTIVE APPLICABILITY. The following
10 20 provision or provisions of this division of this Act apply
10 21 retroactively to January 1, 2008, for tax years ending on or
10 22 after that date:
10 23 1. The section of this Act amending section 422.5.
10 24 2. The section of this Act enacting section 422.7, new
10 25 subsections 39A and 39B.
10 26 3. The section of this Act amending section 422.9.
10 27 4. The section of this Act enacting section 422.35, new
10 28 subsections 19A and 19B.
10 29 Sec. 25. RETROACTIVE APPLICABILITY. The following
10 30 provision or provisions of this division of this Act apply
10 31 retroactively to January 1, 2009, for tax years beginning on or
10 32 after that date, and before January 1, 2010:
10 33 1. The section of this Act amending section 422.7,
10 34 subsection 53.
10 35 2. The section of this Act amending section 422.35,



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11 1 subsection 24.

11 2 EXPLANATION

11 3 This bill updates Iowa Code references to the Internal
11 4 Revenue Code, provides for changes to the Iowa research
11 5 activities credit, and decouples from certain federal
11 6 depreciation provisions.

11 7 Division I of the bill updates references in Code sections
11 8 422.3 and 422.32 to the Internal Revenue Code, making certain
11 9 federal income tax revisions enacted by Congress in 2008,
11 10 2009, and 2010 applicable for purposes of the corporate and
11 11 individual income taxes and the franchise tax. These revisions
11 12 only apply to tax years beginning on or after January 1, 2010,
11 13 and do not include tax years beginning after December 31, 2007,
11 14 and before January 1, 2010.

11 15 The division strikes Code section 422.7, subsection 29A,
11 16 which provided an exclusion from income of the value of health
11 17 care coverage of a nonqualified tax dependent up to the age
11 18 of 25. The federal Patient Protection and Affordable Care
11 19 Act, Pub. L. No. 111-148, provides for the exclusion from
11 20 income of the value of health care coverage of a nonqualified
11 21 tax dependent up to the age of 27, effective March 30, 2010.
11 22 Because the bill now couples Iowa with the Internal Revenue
11 23 Code with regard to this provision, Code section 422.7,
11 24 subsection 29A, is no longer necessary for tax years beginning
11 25 on or after January 1, 2011. This change applies retroactively
11 26 to that date.

11 27 Currently, in certain circumstances, Code section
11 28 422.9(2)(i) provides individuals a deduction from net income
11 29 (also known as a "below-the-line" deduction) for state sales
11 30 and use taxes in lieu of a deduction for income taxes. This
11 31 deduction was only available for taxable years beginning
11 32 after December 31, 2003, and before January 1, 2006. The
11 33 division extends this deduction to tax years beginning after
11 34 December 31, 2003, and before January 1, 2008, and to tax years
11 35 beginning after December 31, 2009, and before January 1, 2012.



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12 1 Division II of the bill amends certain Code sections
12 2 relating to the state research activities tax credit for
12 3 individuals, corporations, corporations in economic development
12 4 areas, and corporations in quality jobs enterprise zones. The
12 5 division updates Iowa Code references to the Internal Revenue
12 6 Code for purposes of coupling with changes to the federal
12 7 research activities tax credit.
12 8 The division also makes certain changes relating to the
12 9 alternative incremental research tax credit. Because this tax
12 10 credit was repealed for federal tax purposes, the bill removes
12 11 references to it from the Iowa Code and replaces them with
12 12 an alternative simplified research tax credit for Iowa tax
12 13 purposes. The amendments to Code section 15.335, subsection
12 14 4, and Code section 15A.9 relate to this change and apply
12 15 retroactively to July 1, 2010, for tax credits awarded on or
12 16 after that date.
12 17 The division also makes certain changes in the calculation
12 18 of the additional research activities credit that depend on
12 19 whether an eligible business has \$20 million or more in gross
12 20 revenues. These changes only apply to tax years beginning
12 21 on or after January 1, 2010, and do not include tax years
12 22 beginning after December 31, 2008, and before January 1, 2010.
12 23 Division III of the bill amends certain sections of
12 24 the individual and corporate income taxes relating to the
12 25 computation of net income (also known as "above-the-line"
12 26 computation) by decoupling, for Iowa income tax purposes, from
12 27 the federal accelerated depreciation deductions enacted by
12 28 Congress as part of the Recovery Rebates and Economic Stimulus
12 29 for the American People Act of 2008, the American Recovery and
12 30 Reinvestment Act of 2009, the Small Business Jobs Act of 2010,
12 31 and the Tax Relief, Unemployment Insurance Authorization and
12 32 Job Creation Act of 2010. In addition, the division decouples,
12 33 for Iowa income tax purposes, from the federal accelerated
12 34 depreciation deductions for certain disaster assistance
12 35 property enacted by Congress as part of the Emergency Economic



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13 1 Stabilization, Energy Improvement and Extension, and Tax
13 2 Extenders and AMT Relief Acts of 2008. These changes are
13 3 retroactive to January 1, 2008, for tax years ending on or
13 4 after that date.
13 5 The division also decouples, for Iowa tax purposes, from the
13 6 increased expensing allowance under section 179 of the Internal
13 7 Revenue Code enacted by Congress as part of the American
13 8 Recovery and Reinvestment Act of 2009 and makes a number of
13 9 conforming changes. The changes take effect for tax years
13 10 beginning on or after January 1, 2009, and before January 1,
13 11 2010.
13 12 Each of the divisions of the bill takes effect upon
13 13 enactment.
LSB 1237DP (11) 84
tw/sc



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Senate Study Bill 1053

SENATE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
WILHELM)

A BILL FOR

1 An Act relating to the determination of city population for
2 purposes of civil service commissions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1823SC (1) 84
aw/rj



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Senate Study Bill 1053 continued

PAG LIN

1 1 Section 1. Section 400.1, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. For the purpose of determining the population of a city
1 4 under this chapter, the most recent decennial federal census
1 5 ~~conducted in 1980~~ shall be used.

1 6 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 7 3, shall not apply to this Act.

1 8 EXPLANATION

1 9 Code section 400.1 currently requires a city having a
1 10 population of 8,000 or more according to the federal census
1 11 conducted in 1980 and having a paid fire department or a paid
1 12 police department, to appoint a civil service commission. Code
1 13 chapter 400 also establishes several other powers and duties of
1 14 cities based on population as determined by the federal census
1 15 conducted in 1980.

1 16 This bill requires the most recent decennial federal census
1 17 to be used in determining the population of a city.

1 18 The bill may include a state mandate as defined in Code
1 19 section 25B.3. The bill makes inapplicable Code section 25B.2,
1 20 subsection 3, which would relieve a political subdivision from
1 21 complying with a state mandate if funding for the cost of
1 22 the state mandate is not provided or specified. Therefore,
1 23 political subdivisions are required to comply with any state
1 24 mandate included in the bill.

LSB 1823SC (1) 84

aw/rj



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Senate Study Bill 1054

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to vision screening for school children.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1747XC (7) 84
je/nh



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Senate Study Bill 1054 continued

PAG LIN

1 1 Section 1. NEW SECTION. 135.39D Vision screening.
1 2 1. School districts and accredited nonpublic schools shall
1 3 provide vision screenings to all students in grades one and
1 4 three, all out-of-state transfer students, and any students
1 5 referred for a vision screening by a parent or the student's
1 6 teacher. Documentation of a comprehensive eye examination
1 7 performed by a licensed ophthalmologist or optometrist within
1 8 the previous twelve months shall waive the requirement of a
1 9 vision screening.
1 10 2. School personnel shall obtain or retain documentation
1 11 of screening results and provide parents with any follow-up
1 12 recommendations. The parent or guardian of a student who
1 13 demonstrates during the vision screening specific visual
1 14 problems, as identified by the department of public health,
1 15 shall cause the student to undergo a comprehensive eye
1 16 examination by a licensed ophthalmologist or licensed
1 17 optometrist. The parent or guardian of the student shall
1 18 provide the student's school district or accredited nonpublic
1 19 school with documentation of the examination within three
1 20 months. The student's school district or accredited nonpublic
1 21 school shall notify the student's parent or guardian who fails
1 22 to furnish the required follow-up documentation in writing of
1 23 the current vision screening and examination requirements set
1 24 forth in this section and shall also notify the department.
1 25 3. A student shall not be prohibited from attending school
1 26 based upon the failure of a parent or guardian to furnish
1 27 a report of the student's follow-up eye examination to the
1 28 student's school district or accredited nonpublic school.
1 29 4. Vision screening pursuant to this section shall be
1 30 conducted by an individual trained in vision screening
1 31 techniques within the previous three years. The department
1 32 shall develop rules pursuant to chapter 17A regarding training
1 33 standards. A medical professional or certified vision
1 34 screener conducting vision screenings for purposes of school
1 35 certification shall use approved techniques. Such techniques



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2 1 shall follow vision screening protocols that show high degrees
2 2 of testability and reliability, as scientifically validated
2 3 through peer review literature, and shall include appropriate
2 4 follow-up procedures.

2 5 5. The department shall adopt rules pursuant to chapter 17A
2 6 regarding the requirements of this section. The department
2 7 shall submit a report to the general assembly by January 1
2 8 each year regarding the results of vision screenings. The
2 9 first report shall be submitted by January 1, 2013, and shall
2 10 include an assessment by the department of whether a source of
2 11 financial assistance for parents would increase compliance with
2 12 referrals for eye examinations.

2 13 EXPLANATION

2 14 This bill requires school districts and accredited nonpublic
2 15 schools to provide vision screenings to students in grades
2 16 one and three, out-of-state transfer students, and parent or
2 17 teacher referrals. The bill provides for a waiver for students
2 18 who have had a previous eye examination.

2 19 The bill requires school districts and accredited nonpublic
2 20 schools to obtain or retain documentation of screening results
2 21 and provide parents with any follow-up recommendations. The
2 22 bill requires a student who does not pass the vision screening
2 23 to have a comprehensive eye examination performed by a licensed
2 24 ophthalmologist or optometrist. The bill requires the parent
2 25 or guardian of the student to provide documentation to the
2 26 student's school district or accredited nonpublic school.
2 27 The bill requires school districts and accredited nonpublic
2 28 schools to notify a parent or guardian who fails to furnish
2 29 the required follow-up documentation of the current vision
2 30 screening and examination requirements and also to notify the
2 31 department of public health.

2 32 The bill provides that a student shall not be prohibited from
2 33 attending school based upon the failure of a parent or guardian
2 34 to furnish a report of the student's screening or follow-up
2 35 eye examination to the student's school district or accredited



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3 1 nonpublic school.

3 2 The bill provides that vision screenings shall be conducted
3 3 in accordance with certain requirements. The bill directs
3 4 the department of public health to develop rules pursuant to
3 5 Code chapter 17A regarding training standards for individuals
3 6 conducting such vision screenings.

3 7 The bill directs the department of public health to develop
3 8 rules pursuant to Code chapter 17A regarding the requirements
3 9 of the bill. The bill requires the department to submit annual
3 10 reports on vision screening beginning on January 1, 2013. The
3 11 bill provides that the first such report shall include an
3 12 assessment by the department of whether a source of financial
3 13 assistance for parents would increase compliance with referrals
3 14 for eye examinations.

3 15 The bill may include a state mandate as defined in Code
3 16 section 25B.3.

LSB 1747XC (7) 84

je/nh